



Journal of the Senate

Number 16

Thursday, May 18, 1989

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—39:

Mr. President	Deratany	Kiser	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Excused: Senator Grant at 11:00 a.m.

PRAYER

The following prayer was offered by the Rev. Fred Rogers, Pastor, First Assembly of God, Milton:

Good morning, Lord! What a beautiful day you have given to us to rejoice and be glad in. What have you planned for us today? We want to be part of it, and thank you for including us.

Because you have chosen us to be your children, we come boldly to thy throne of grace in this day of great need. We are overwhelmed by the ominous problems facing our society. We are alarmed at the rise of violent crimes facing our cities: the dread disease of AIDS, the blight of drugs—both addiction and trafficking—the plight of the homeless, the elderly, the rise of unemployment, and the many other dilemmas being forced upon us. All of these problems we face together. We know we need solutions, and yet we feel so helpless. We want to become part of the solution, not a part of the problem. So we join Jehoshaphat, king of Israel, who prayed, "O our God, wilt thou help us? For we have no might against this great company that cometh against us, neither know we what to do, but our eyes are upon thee." We look not to ourselves, for we are powerless. We look not to our allies, for they, too, are seeking help. We look to you, who alone has the power to help.

We are told to seek first the kingdom of God and his righteousness. So, today we set ourselves to seek your kingdom and your righteousness. We do this in full confidence that you will reveal your will to each of us. At times we get anxious and often tend to act rashly, but today teach us to wait upon thee until our strength is renewed and you have been able to direct our ways.

And Father, I would pray especially for your servants, these senators. Help them in the decisions they must make today. Give them the wisdom they need for this day. Keep before them the purpose for which they were chosen to this place of leadership. This we ask, for your honor and your glory. Amen.

Consideration of Resolutions

On motion by Senator Johnson, by two-thirds vote SR 1521 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Johnson—

SR 1521—A resolution commending Ronald T. Hanson for his years of service as the President of Venice Hospital.

WHEREAS, Ronald T. Hanson, a fellow of the American College of Healthcare Executives, has been the President and Chief Executive Officer of Venice Hospital since June 1, 1964, and

WHEREAS, at the time Mr. Hanson took charge of the hospital it had a total of 70 beds, and today as the hospital nears its 25th anniversary of service it has 342 licensed beds, approximately 1,000 employees and nearly 900 volunteers, and

WHEREAS, Mr. Hanson has consistently met the challenge of continued expansion of the size and scope of the hospital to keep pace with the tremendous population growth of the Suncoast area and with continued medical technological advances, and

WHEREAS, during Mr. Hanson's tenure as president, the hospital has added extensive surgical areas, a 32-bed state-of-the-art Critical Care Center, a Center for Mental Health, an expanded and remodeled Gulf Area Regional Blood Bank and a community-supported Venice Hospital Foundation, and

WHEREAS, Mr. Hanson has also met the challenge of a Medicare Program with one of the highest Medicare patient percentages in the nation, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends Ronald T. Hanson for his years of service as President of the Venice Hospital and for his unflagging devotion to the health of the people in his community.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Ronald T. Hanson as a tangible token of the sentiments of the Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Grant, by two-thirds vote SM 1529 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Grant—

SM 1529—A memorial to the Congress of the United States, urging Congress to adopt the "Fair Share Act of 1989," which requires the use of adjusted census data in federal formula grant programs.

WHEREAS, there are significant shifts in the United States population between one decennial census and the next, and

WHEREAS, population figures from the decennial census are presently used in allocating federal funds to the various states, and

WHEREAS, using those outdated census figures unfairly penalizes a state with a rapidly growing population, and

WHEREAS, because the intent of federal grant programs is to distribute funds fairly to states based on their relative populations, it is more appropriate to use annual population estimates produced by the federal Bureau of the Census, rather than decennial population figures, in calculating those distributions, and

WHEREAS, since 1980, the population of the State of Florida has grown 26 percent so that this is the fourth-largest state, and

WHEREAS, because of the unfair distribution formula that is currently in use, this state ranks last among the states in the amount of federal grant money received per capita, and

WHEREAS, according to Florida Tax Watch, a nonprofit research group, in 1986 and 1987, Florida finished last in an annual study that compares dollars paid to the federal treasury to dollars received in grants to the states, and

WHEREAS, other fast-growing states, like Florida, are unfairly subsidizing grant programs, and

WHEREAS, United States Senators Connie Mack and Bob Graham have cosponsored the "Fair Share Act of 1989," which if passed would require the most recent population estimates to be used in determining benefits to be received by state or local governments, and

WHEREAS, the provisions of that act are not only equitable but are also compatible with the federal-grant distribution policies already expressed by Congress, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Congress of the United States is requested to adopt the "Fair Share Act of 1989" (U.S. Senate, 101st Congress, 1st session, S 477), to require the use of adjusted census data in federal formula grant programs.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 18, 1989: CS for SB 759, CS for SB 690, HM 1717, SB 1293, SB 1169, SB 365, SB 369, CS for SB 1084, SB 383, CS for SB 1033, SB 444, SB 936, CS for SB 458, SB 922, CS for SB 491, SB 914, SB 820, CS for SB's 505 and 626, CS for SB 799, SB 521, SB 743, SB 537, CS for SB 739, CS for SB 540, SB 659, CS for SB 713, SB 712, CS for SB 736, CS for SB 250, SB 1237, CS for SB 1218, SB 1222, CS for SB 113, SB 864, SB 762, CS for SB's 932, 357, 396, 465 and 775, CS for SB 627, SB 647, SB 137, CS for SB 191, SB 418, SB 570, SB 1023, CS for SB 1109, CS for SB 749, CS for SB 175, SB 1234, SB 727, CS for SB 1310

Respectfully submitted,
James A. Scott, Chairman

The Committee on Community Affairs recommends the following pass: SB 1423

The Committee on Education recommends the following pass: SB 455 with 1 amendment, SB 879, SB 1001, SB 1075, SB 1410 with 1 amendment, SB 1475

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB 94, SB 373, CS for SB 688 with 1 amendment, SB 1126, SB 1534 with 1 amendment

The Committee on Governmental Operations recommends the following pass: CS for SB 1124 with 1 amendment, CS for SB 1264

The Committee on Health Care recommends the following pass: SB 1337 with 1 amendment

The Committee on Higher Education recommends the following pass: SB 671, CS for SB 748, SB 952, SB 1158

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 434, SB 1053

The Committee on Transportation recommends the following pass: CS for SB 753 with 2 amendments, CS for SB 927

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 1336 with 2 amendments, SB 1437 with 4 amendments

The bills were referred to the Committee on Community Affairs under the original reference.

The Committee on Higher Education recommends the following pass: SB 718 with 1 amendment

The bill was referred to the Committee on Education under the original reference.

The Committee on Governmental Operations recommends the following pass: CS for SB 1398 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 1443 with 2 amendments

The Committee on Regulated Industries recommends the following pass: SB 189 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Higher Education recommends the following pass: SB 1060 with 1 amendment

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 716

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Health Care recommends the following pass: CS for SB 332 with 3 amendments

The bill was referred to the Committee on Insurance under the original reference.

The Committee on Higher Education recommends the following pass: SB 1282

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Higher Education recommends the following pass: SB 737 with 2 amendments

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Agriculture recommends the following pass: SB 1449 with 1 amendment

The Committee on Appropriations recommends the following pass: CS for SB 225 with 2 amendments, CS for SB 240, CS for SB's 271 and 41, CS for SB's 315 and 1079, SB 377, CS for SB's 493 and 947, SB 839, SB 948, CS for SB 1413 with 1 amendment

The Committee on Education recommends the following pass: SB 548, SB 1297 with 1 amendment

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB 30, SB 89 with 1 amendment, SB 327

The Committee on Governmental Operations recommends the following pass: HB 108, HB 901, SB 509, SB 623, CS for SB 961, SB 1080

The Committee on Health and Rehabilitative Services recommends the following pass: HB 619

The Committee on Health Care recommends the following pass: SB 675

The Committee on Higher Education recommends the following pass: SB 1371

The Committee on Insurance recommends the following pass: SB 1317, SB 1324 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: HB 1373, CS for SB's 392 and 669 with 2 amendments, CS for SB 448, SB 1210, CS for SB 1322

The Committee on Regulated Industries recommends the following pass: SB 50, CS for SB 1243

The Committee on Transportation recommends the following pass: HB 136, SB 393, SB 646, CS for SB 1016

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Governmental Operations recommends the following not pass: SB 953

The Committee on Judiciary-Civil recommends the following not pass: SB 541

The bills contained in the foregoing reports were laid on the table.

The Committee on Agriculture recommends a committee substitute for the following: SB 1127

The Committee on Community Affairs recommends a committee substitute for the following: SB 1445

The Committee on Education recommends a committee substitute for the following: CS for SB 1052

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SB 406, SB 569, CS for SB 697, CS for SB 960, CS for SB 1055, CS for SB's 1408 and 511

The Committee on Higher Education recommends a committee substitute for the following: SB 824

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 1377

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Higher Education recommends a committee substitute for the following: SB 1467

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Higher Education recommends a committee substitute for the following: Senate Bills 709 and 1198

The bills with committee substitute attached were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 993

The bill with committee substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 57

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1422

The Committee on Insurance recommends a committee substitute for the following: SB 389

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 1012

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 596

The bill with committee substitute attached was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: SB 969

The bill with committee substitute attached was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 997

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 831

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends committee substitutes for the following: SB 28, CS for SB 45, SB 230, CS for SB 259, SB 594, SB 1194, CS for SB 1298

The Committee on Economic, Professional and Utility Regulation recommends committee substitutes for the following: SB 1213, SB 1224

The Committee on Education recommends a committee substitute for the following: SB 1074

The Committee on Insurance recommends committee substitutes for the following: SB 1072, SB 1246, SB 1252, SB 1295

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Finance, Taxation and Claims, having met on House amendments to SB 81 (relating to Economic Development Agencies), recommends that the Senate concur in House amendments 1 and 2.

REQUEST FOR EXTENSION OF TIME

May 18, 1989

The Committee on Appropriations requests an extension of 15 days for consideration of the following: Senate Bills 2, 15, 17, 23, 24, 26, 36, 40, 49, 63, 68, 71, 86, 93, 94, 101, 102, 110, 119, 128, 135, 154, 159, 164, 168, 179, 185, 190, 199, 207, 208, 210, 218, 219, 220, 226, 232, 236, 246, 247, 260, 265, 268, 272, 273, 274, 281, 282, 284, 288, 294, 295, 297, 298, 304, 307, 312, 313, 318, 320, 335, 338, 344, 346, 347, 350, 355, 356, 361, 373, 374, 390, 404, 408, 412, 414, 416, 431, 440, 454, 459, 485, 488, 492, 495, 498, 499, 507, 508, 528, 536, 542, 543, 544, 560, 561, 562, 575, 578, 582, 587, 598, 601, 604, 614, 615, 616, 637, 641, 642, 645, 650, 658, 664, 666, 672, 676, 687, 688, 692, 693, 710, 711, 719, 721, 729, 732, 742, 752, 756, 761, 772, 780, 786, 787, 789, 791, 793, 797, 801, 827, 840, 849, 852, 856, 867, 869, 877, 881, 882, 890, 905, 916, 918, 920, 937, 946, 955, 958, 972, 989, 1000, 1017, 1020, 1021, 1022, 1025, 1030, 1036, 1062, 1063, 1066, 1092, 1101, 1104, 1114, 1115, 1118, 1123, 1126, 1129, 1141, 1148, 1160, 1184, 1188, 1192, 1200, 1204, 1205, 1206, 1211, 1214, 1220, 1230, 1241, 1250, 1266, 1270, 1275, 1281, 1305, 1313, 1314, 1315, 1333, 1335, 1353, 1364, 1366, 1374, 1377, 1380, 1385, 1396, 1406, 1416, 1417, 1423, 1427, 1429, 1445, 1450, 1455, 1468, 1526, 1534; House Bills 323, 818, 894, 1718, 1750, 1751

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Appropriations and Senator Gordon—

CS for SB 28—A bill to be entitled An act relating to education; creating the High School Community Service Act; providing for pilot projects; providing a procedure for developing and submitting project proposals; describing project requirements; providing for selection, funding, and reporting; providing an effective date.

By the Committees on Appropriations; Corrections, Probation and Parole; Judiciary-Criminal; and Senators Margolis, Souto, Casas, Malchon, Thurman, Plummer, Beard, Johnson, McPherson, Woodson-Howard, Brown, Weinstein, Gordon, Crenshaw, Ros-Lehtinen, Forman, Meek, Thomas, Bruner, Walker, Scott, Grant, Girardeau, Stuart, Dudley, Grizzle and Deratany—

CS for CS for CS for SB 45—A bill to be entitled An act relating to offenses committed against law enforcement officers and correctional officers; creating the "Law Enforcement Protection Act"; providing legislative findings and intent; creating s. 775.0823, F.S.; establishing mandatory minimum penalties for persons convicted of murder, manslaughter, kidnapping, aggravated battery, and aggravated assault of law enforcement officers and correctional officers; prohibiting all forms of early release; amending s. 944.277, F.S.; prohibiting the granting of provisional credits to inmates convicted of committing certain offenses against law enforcement and correctional officers; providing for amendment of jury instructions by the Florida Supreme Court affected by the act; providing an effective date of October 1, 1989, applicable to offenses committed on or after the effective date.

By the Committee on Community Affairs and Senator Myers—

CS for SB 57—A bill to be entitled An act relating to public health; providing for the vaccination of dogs and cats against rabies; requiring each county to enact ordinances relating to rabies control; providing for the administration of rabies vaccinations by certain licensed or certified persons; establishing training for such administrators; establishing vaccine requirements and providing vaccination exceptions; providing requirements for rabies vaccination certificates; providing a penalty; providing for the purchase of vaccines; requiring recordkeeping; providing for the adoption of local government regulations; prohibiting the use of certain vaccines; providing exceptions; providing an effective date.

By the Committees on Appropriations and Health Care—

CS for SB 230—A bill to be entitled An act relating to selected advisory bodies to the Department of Health and Rehabilitative Services; amending s. 383.14, F.S.; renaming the Infant Screening Advisory Council; adding additional members to the council; authorizing member reimbursement for per diem and travel; modifying the purpose of the council; modifying administrative language; amending s. 385.201, F.S.; adding an additional member to the Florida Cancer Control and Research Advisory Board; authorizing member reimbursement for per diem and travel; amending s. 385.203, F.S.; amending the purposes of the Diabetes Advisory Council; adding an additional member to the council; authorizing member reimbursement for per diem and travel; modifying administrative language; amending s. 391.091, F.S.; adding duties for the Cardiac Advisory Council; extending terms of appointments to 4 years from 2 years; removing superfluous appropriations language; reviving and re-adopting ss. 383.14(4), 385.201(4), 385.203, 391.091, F.S., notwithstanding their scheduled repeal under the Sundown Act; providing for future review and repeal of said sections; repealing s. 383.20, F.S., relating to the Perinatal Advisory Council; providing an effective date.

By the Committee on Commerce and Senator Margolis—

CS for SB 236—A bill to be entitled An act relating to unemployment compensation; amending s. 443.111, F.S.; changing the maximum weekly benefit amount; providing application; providing an effective date.

By the Committees on Appropriations and Education and Senators Peterson, Crawford, Kirkpatrick, D. Childers, Walker, Johnson, Ros-Lehtinen, Thomas, Grizzle, Stuart, Gardner, Woodson-Howard and Crenshaw—

CS for CS for SB 259—A bill to be entitled An act relating to minors; amending s. 229.814, F.S.; deleting authority for persons under 18 years of age to take the examination for a high school equivalency diploma; providing exceptions; amending s. 232.01, F.S.; increasing the compulsory school attendance age; exempting from compulsory school attendance students enrolled in certain programs; amending s. 322.05, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license to persons under a specified age; providing exceptions; creating s. 322.0601, F.S.; specifying circumstances under which the department may issue a driver's license to certain persons under such age; providing for the suspension and reinstatement of such license; authorizing the waiver of licensing requirements under certain circumstances; providing effective dates.

By the Committee on Insurance—

CS for SB 389—A bill to be entitled An act relating to civil procedure; amending s. 768.79, F.S.; prescribing procedures to be followed in making and accepting offers of settlement; prescribing information which must be contained therein; providing for award of costs and attorney's fees when an offer has been wrongfully rejected; providing for disallowal of costs and fees if the offer was not made in good faith; repealing s. 45.061, F.S., relating to offers of settlement; providing for applicability; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senators Grant, Kiser, Beard and Davis—

CS for SB 406—A bill to be entitled An act relating to license plates; providing for the issuance of license plates to commemorate Super Bowl XXV; providing license fees; providing for the use of license fees; providing for expiration of such provisions; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Walker—

CS for SB 569—A bill to be entitled An act relating to income tax; creating s. 220.1125, F.S.; providing a tax credit for certain students; specifying conditions and requirements; creating s. 230.235, F.S.; authorizing school districts to certify eligible students; providing standards for student eligibility; providing for the number of students per school district; providing an effective date.

By the Committee on Appropriations and Senator McPherson—

CS for SB 594—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.06, F.S.; increasing license fees for a saltwater products license; reducing the number of pounds of fish for those species for which no bag limit has been established for qualification as commercial quantities requiring a saltwater products license; amending s. 327.28, F.S.; changing the distribution formula for certain funds; providing an effective date.

By the Committee on Community Affairs and Senator Stuart—

CS for SB 596—A bill to be entitled An act relating to land conservation; creating part III of ch. 380, F.S., the "Florida Communities Trust Act"; providing legislative findings and intent; providing definitions; creating the Florida Communities Trust; providing for membership and expenses; providing for meetings, quorum, and voting; providing for support services; providing powers; providing for development, review, and approval of projects; providing for first-year duties of the Department of Community Affairs; providing for conditions of grants and loans; creating the Florida Communities Trust Fund; providing for an annual report; providing for exemption from taxes; providing for corporate existence; providing for application to other laws; providing for construction; amending s. 320.0805, F.S.; increasing the fee for personalized prestige license plates; providing for personalized prestige license plate fees to be distributed to the Florida Communities Trust Fund; creating s. 320.08065, F.S.; providing for communities trust license plates; providing for fees and distribution thereof; providing for an appropriation and for the allocation of positions to the department; providing an appropriation for the design of the communities trust license plate; providing severability; providing an effective date.

By the Committees on Finance, Taxation and Claims; Transportation; and Senators Kiser and Weinstock—

CS for CS for SB 697—A bill to be entitled An act relating to motor vehicles; amending s. 320.02, F.S.; repealing a provision that requires a person to register his motor vehicle in the county in which he resides; revising cross-references; amending s. 325.203, F.S.; specifying a date for inspecting certain motor vehicles; providing that a person who provides false information on a motor vehicle registration application to avoid inspection requirements is guilty of a first-degree misdemeanor; providing a penalty; providing for temporary exemptions from motor vehicle inspection requirements; requiring certain state agencies to file annual reports of the results of certain motor vehicle inspections with the Department of Highway Safety and Motor Vehicles; amending s. 325.207, F.S.; revising a requirement that a contract between the department and a contractor for the operation of inspection stations contain a provision for the calculation of damages upon termination of the contract; creating exemptions from the public records law for certain information; providing for future legislative review and repeal of such exemptions; amending s. 325.209, F.S.; specifying a maximum period of time for which the department may waive inspection requirements; authorizing a motor vehicle owner to repair or adjust his motor vehicle to meet criteria to receive such a waiver; providing a procedure for a motor vehicle owner to appeal a denial of such a waiver by the department; amending s. 325.213, F.S.; requiring applicants for self-inspectors' licenses to file, with the department, sets of fingerprints under certain circumstances; providing an exception; providing an effective date.

By the Committee on Higher Education and Senators Gordon and Woodson-Howard—

CS for SB's 709 and 1198—A bill to be entitled An act relating to education; creating s. 228.0717, F.S.; creating the Florida Literacy Corps Act; providing intent; establishing the Florida Literacy Corps to be administered by the Department of Education; providing for academic credit to eligible postsecondary students tutoring adults lacking basic or functional literacy skills; describing responsibilities for delivery of literacy instruction and student training; establishing student eligibility

requirements; establishing state university and community college eligibility requirements for participation; providing for funding; requiring certain reports; providing an effective date.

By the Committee on Higher Education and Senator Davis—

CS for SB 824—A bill to be entitled An act relating to higher education; amending s. 240.514, F.S.; providing for limitations on the duration and purpose of client services; establishing a culturally based mental health professional training program at the Florida Mental Health Institute; specifying program elements; providing for articulation agreements; providing for annual reports; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Forman—

CS for SB 831—A bill to be entitled An act relating to assault weapons; creating the Commission on Assault Weapons; providing for membership of the commission; providing purpose; providing for the commission to make recommendations relating to the unlawful usage of assault weapons in the state; amending s. 775.087, F.S.; providing a minimum sentence for possessing certain firearms during the commission of specified offenses; providing definitions; providing an effective date.

By the Committees on Finance, Taxation and Claims; Transportation; and Senators Dudley and Thurman—

CS for CS for SB 960—A bill to be entitled An act relating to motor vehicle licenses; creating s. 320.0895, F.S.; providing for the design and issuance of "Florida Salutes Veterans" license plates; providing additional fees for such license plates; providing for deposit of a portion thereof in a State Homes for Veterans Trust Fund and providing for use thereof; providing an effective date.

By the Committee on Governmental Operations and Senator Stuart—

CS for SB 969—A bill to be entitled An act relating to state agency management; amending s. 112.24, F.S.; modifying the length of assignments under employee interchange programs; amending s. 216.011, F.S.; redefining the value for operating capital outlay; amending s. 273.02, F.S.; redefining the value of property; providing that certain records maintained by state university, state community college, and state agency libraries shall constitute the property record of certain books and serve as an inventory; amending s. 288.011, F.S.; conforming provisions; amending s. 287.042, F.S.; changing the circumstances under which the Division of Purchasing of the Department of General Services may remove a source of supply from the vendor list maintained by the division; removing limitation on contracts subject to protest; including state agencies in protest procedures; repealing s. 112.061(3)(e), F.S., relating to reporting by state agencies of certain out-of-state meetings; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Ros-Lehtinen—

CS for SB 993—A bill to be entitled An act relating to drug testing; creating s. 112.0455, F.S.; creating the Drug-Free Workplace Act; providing legislative purpose; providing legislative findings; providing that there is no legal duty to test; providing definitions; providing for notice to employees; providing for types of testing; providing procedures and employee protection; providing for confirmation testing; providing for employer's protections; providing for confidentiality; providing for drug testing standards and laboratories; providing for rules; providing for discipline remedies; providing for non-discipline remedies; providing compliance with federal programs; providing an effective date.

By the Committees on Governmental Operations and Transportation and Senator Ros-Lehtinen—

CS for CS for SB 997—A bill to be entitled An act relating to the towing industry; providing for creation of the Task Force Committee on Towing to study the towing industry and problems associated with abandoned vehicles; providing for per diem and travel expenses; providing for a report; providing for a penalty against any towing business which fails to cooperate; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Casas—

CS for SB 1012—A bill to be entitled An act relating to forfeiture; amending ss. 316.193 and 327.35, F.S.; directing the court to provide defendants with notice that any motor vehicle, vessel, or other vehicle used in the commission of a third or subsequent violation of certain laws relating to the operation of a vehicle or vessel while under the influence

may result in forfeiture; providing for the effect of failure to provide notice; providing for the forfeiture of motor vehicles, vessels, or other vehicles under certain circumstances; providing an effective date.

By the Committees on Education and Governmental Operations and Senator McPherson—

CS for CS for SB 1052—A bill to be entitled An act relating to Indian affairs; amending s. 285.18, F.S.; authorizing the Seminole and Miccosukee Indian tribal councils to contract for education and other programs for their members; providing for contract with certain district school boards; providing an effective date.

By the Committees on Finance, Taxation and Claims; Transportation; and Senators McPherson and Brown—

CS for CS for SB 1055—A bill to be entitled An act relating to license plates; providing for the issuance of license plates to commemorate the manatee; providing fees; providing for certain fees to be used for the purpose of protecting and caring for manatees in the state; providing for the manatee license plate to be issued for a specified period of time; amending s. 327.22, F.S.; providing for deposit of funds; amending s. 327.25, F.S.; providing for voluntary contributions; amending s. 327.28, F.S.; providing for the transfer of revenue in a specified amount for certain purposes; amending s. 370.12, F.S.; providing for funding of programs for marine animals; providing an effective date.

By the Committee on Insurance and Senator Malchon—

CS for SB 1072—A bill to be entitled An act relating to blanket health insurance; amending s. 627.659, F.S.; revising language with respect to insurance coverage of spouses or dependent children of an insured student; revising language with respect to newspaper delivery persons; creating s. 627.6551, F.S.; providing for the issuance of group health insurance and blanket health insurance policies to certain teacher and student groups; authorizing insurance of spouse, dependent children, parents, or siblings; providing for review and repeal; providing an effective date.

By the Committee on Education and Senator Malchon—

CS for SB 1074—A bill to be entitled An act relating to education; amending s. 233.0674, F.S.; modifying provisions with respect to biological experiments on living subjects; modifying state policy and exemptions; expanding penalties; requiring technical assistance; requiring rules; providing an effective date.

By the Committee on Agriculture and Senator Peterson—

CS for SB 1127—A bill to be entitled An act relating to education; amending s. 240.209, F.S.; requiring the legislative budget request for the Institute of Food and Agricultural Sciences to be based upon extension office and research and education center budget requests; requiring advisory council review and approval of budget requests; requiring review and approval of budget requests by the Florida Agricultural Council, Inc.; providing an effective date.

By the Committee on Appropriations and Senator Kirkpatrick—

CS for SB 1194—A bill to be entitled An act relating to state fiscal matters; amending s. 216.011, F.S.; defining the appropriation category "Grants and Aids to Local Governments and Nonprofit Organizations-Fixed Capital Outlay" for the purpose of the fiscal affairs of the state, appropriation acts, legislative budgets, and approved budgets; appropriating moneys from specific vetoed items to the State Working Capital Fund; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Kirkpatrick—

CS for SB 1213—A bill to be entitled An act relating to professional regulation; amending s. 455.213, F.S.; eliminating the ceiling on initial license fees; amending s. 455.217, F.S.; requiring the Department of Professional Regulation or the respective regulatory boards to charge an examination review fee; amending s. 455.225, F.S., relating to disciplinary proceedings; modifying provision relating to legal sufficiency of complaints; providing condition for submission of an investigative report; providing for notice to licensees of minor violations under certain circumstances; requiring corrective action within a specified time period; amending ss. 395.0115, 401.414, 458.307, 466.022, 489.107, F.S.; correcting cross-references; amending s. 459.0085, F.S.; providing an exemption from assessments under the Florida Birth-Related Neurological Injury

Compensation Plan for certain osteopathic physicians; amending s. 481.213, F.S.; modifying requirements for licensure by endorsement as an architect or interior designer; amending s. 481.219, F.S.; modifying requirements for certification of architectural corporations and partnerships; amending s. 489.111, F.S.; requiring a report on construction contracting certification examinations; providing for review of examination questions by a sensitivity review committee; amending s. 489.129, F.S.; adding a disciplinary penalty for certain violations by contractors; amending s. 489.521, F.S.; eliminating prohibition against charges in transfers of contracting certificates; amending s. 455.203, F.S.; requiring the department to establish a procedure for biennial license renewal; amending ss. 457.105, 457.107, 459.0092, 459.022, 468.3852, 468.453, 473.305, 484.0447, 489.509, 492.104, F.S.; increasing or authorizing the increase of various fees relating to acupuncture, osteopathy, auctioneers, athlete agents, public accountancy, fitting and dispensing of hearing aids, electrical contracting, and professional geologists; amending ss. 460.406, 460.407, 460.4104, 460.4165, 462.08, 464.008, 464.014, 466.013, 466.017, 466.032, 468.1705, 468.1735, 468.508, 470.006, 474.2065, 474.215, 475.24, 476.155, 476.192, 481.207, 481.307, 484.002, 484.007, 484.008, 484.009, 489.109, F.S., increasing or authorizing the increase of various fees relating to chiropractic, naturopathy, nursing, dentistry, dental hygiene, dental laboratories, nursing home administration, dietetics and nutrition practice, funeral directing, embalming, direct disposition, veterinary medical practice, real estate brokers, salesmen, and schools, barbering, architecture and landscape architecture, interior design, preparing and dispensing of eyeglasses and optical devices, and construction contracting; amending ss. 458.311, 458.313, 458.315, 458.316, 458.3165, 458.317, 458.321, 458.345, 458.347, F.S.; increasing or authorizing the increase of various fees relating to medical practice; modifying criteria for issuance of a restricted license to practice medicine; amending ss. 470.021, 470.024, 470.025, F.S.; authorizing the board to establish a late renewal penalty fee for direct disposal establishments, funeral establishments, and cinerary facilities; providing for biennial, rather than annual, renewal of cinerary facility licenses; amending s. 480.044, F.S.; authorizing the increase of various fees relating to massage practice; providing for separate application and license fees for massage establishments; providing an appropriation; repealing s. 460.4065, F.S., relating to licensure by endorsement as a chiropractic physician; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation—

CS for SB 1224—A bill to be entitled An act relating to the regulation of public utilities; amending s. 366.02, F.S.; revising the definition of the term "public utility"; defining the term "electric utility"; correcting the definition for the term "commission"; amending s. 366.04, F.S.; revising the jurisdiction of the Florida Public Service Commission with respect to the sale and issuance of securities by public utilities; giving the commission jurisdiction over the assumption by a public utility of liabilities or obligations as guarantor, endorser, or surety; expanding commission jurisdiction with respect to territorial agreements and disputes; providing for customer participation in proceedings to approve territorial agreements or resolve territorial disputes; amending s. 366.041, F.S.; limiting the ability of utilities to impose impact fees under certain circumstances; amending s. 366.05, F.S.; revising the commission's authority to address inadequacies in the energy grid; authorizing the commission to require reports from utilities and their affiliated companies; creating s. 366.051, F.S.; setting forth the rights and obligations of utilities and the jurisdiction of the commission regarding the sale, purchase, and transmission of power produced by cogenerators or small power producers; amending s. 366.07, F.S.; requiring the commission to investigate the earnings of a public utility under certain circumstances; amending s. 366.072, F.S., relating to rate adjustment orders; revising a cross-reference; amending s. 366.093, F.S.; expanding the commission's access to records; revising provisions relating to the confidentiality of certain public utility records; defining proprietary confidential business information; providing for a time limit on confidentiality; amending s. 366.095, F.S.; deleting certain penalties that the commission may assess against utilities; amending s. 366.11, F.S.; revising the application of certain exemptions; amending s. 366.81, F.S.; revising legislative findings and intent regarding energy conservation; amending s. 366.82, F.S.; providing an exemption from conservation requirements; revising provisions related to conservation goals and plans; providing for the participation of the Executive Office of the Governor in establishing conservation goals; creating s. 366.14, F.S.; providing for regulatory assessment fees to be paid by electric and gas utilities under the commission's jurisdiction; transferring and renumbering s. 366.031, F.S., relating to a prohibition against an electric utility's giving certain preferences to a cable television service; repealing s. 366.135, F.S., relating to existing rates and pending proceed-

ings; exempting s. 366.093, F.S., from review under the Open Government Sunset Review Act; reviving and readopting ss. 366.01-366.03, 366.04-366.075, 366.08-366.13, 366.80-366.85, F.S., relating to public utilities, notwithstanding their scheduled repeal October 1, 1989, by chs. 81-318 and 82-25, Laws of Florida; repealing ss. 366.01-366.85, F.S., relating to public utilities, effective October 1, 1999, and providing for review of said sections in advance of that date; providing an effective date.

By the Committee on Insurance and Senator Weinstein—

CS for SB 1246—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.727, F.S.; redefining the term "uninsured motor vehicle" for purposes of uninsured motor vehicle coverage; providing that an insurer may elect binding arbitration or trial; prohibiting certain insurer actions; prescribing requirements for uninsured motorist coverage; amending s. 627.736, F.S.; providing that personal injury protection coverage shall include death benefits in a specified amount; providing an effective date.

By the Committee on Insurance and Senator Deratany—

CS for SB 1252—A bill to be entitled An act relating to continuing care contracts; amending s. 651.021, F.S., relating to application for a certificate of authority; amending s. 651.022, F.S.; revising requirements for application for a provisional certificate of authority; providing a time period for issuance; requiring an escrow agreement; amending s. 651.023, F.S.; revising requirements and procedures for issuance of a certificate of authority; revising conditions and procedures for releasing certain moneys held in escrow; amending s. 651.026, F.S.; providing for designating a fiscal year other than a calendar year; amending s. 651.035, F.S.; providing for satisfaction of minimum liquid reserve requirements; amending s. 651.095, F.S.; prohibiting unfair insurance advertising practices; providing an effective date.

By the Committee on Commerce and Senator Crenshaw—

CS for SB 1285—A bill to be entitled An act relating to mortgages; amending s. 494.02, F.S.; providing definitions; amending s. 494.03, F.S.; providing additional exemptions from the Mortgage Brokerage Act; creating s. 494.036, F.S.; providing for certification of registrants; amending s. 494.039, F.S.; changing requirements for registration of mortgage brokerage businesses to require a minimum net worth; amending s. 494.0391, F.S.; providing for rules; amending s. 494.055, F.S.; providing for denial or suspension of registration for failure to maintain minimum net worth; amending s. 494.08, F.S.; changing requirements and prohibitions; providing an effective date.

By the Committee on Insurance and Senator W. D. Childers—

CS for SB 1295—A bill to be entitled An act relating to motor vehicle insurance; amending s. 324.022, F.S.; authorizing the use of certain combined liability insurance policies; amending s. 627.727, F.S.; providing for certain restrictions on motor vehicle liability insurance policies to apply only to those which provide bodily injury liability coverage; amending s. 627.7275, F.S.; authorizing the use of certain combined liability insurance policies; amending s. 627.728, F.S.; exempting certain cancellations of coverage from the appeal process; amending s. 627.7295, F.S.; deleting certain restrictions regarding certain personal injury protection policies; providing for the cancellation of policies under certain circumstances; creating the Motor Vehicle Insurance Task Force of 1989; providing for appointments to the task force; specifying duties of the task force; providing for appropriations from the Insurance Commissioner's Regulatory Trust Fund; providing an effective date.

By the Committees on Appropriations; and Health and Rehabilitative Services—

CS for CS for SB 1298—A bill to be entitled An act relating to aging; creating the Florida Commission on Aging; providing for the appointment of commission members; providing for the commission to appoint an executive director; authorizing reimbursement for per diem and travel expenses for members of the commission; requiring the commission to prepare a master plan for policies and programs related to aging; requiring the commission to make certain recommendations to the Governor, Cabinet members, the Department of Health and Rehabilitative Services, and the Legislature regarding programs related to aging; requiring the commission to review certain budget requests; requiring the commission to make certain reports; requiring the commission to administratively house the State Nursing Home and Long-Term Care Facility Ombudsman Council; requiring the commission to hold public meetings;

authorizing the commission to seek assistance from appropriate agencies; requiring agencies to cooperate in providing such assistance; amending s. 110.501, F.S.; redefining the term "volunteer" to include persons serving in certain programs authorized under federal law; providing for benefits for such persons; providing for positions and appropriations for the Commission on Aging and the State Nursing Home and Long-Term Care Facility Ombudsman Council; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Gardner—

CS for SB 1377—A bill to be entitled An act relating to controlled substances violations; amending s. 893.13, F.S.; requiring courts to assess a person an amount in addition to fines and other penalties upon sentencing for unlawfully selling, purchasing, manufacturing, or delivering, or possessing with intent to sell, purchase, manufacture, or deliver, certain controlled substances; providing for disposition and use of such assessments; amending s. 893.135, F.S.; providing that a person convicted of trafficking in controlled substances is not eligible for gain-time before serving the mandatory minimum term of imprisonment; creating s. 893.148, F.S.; prohibiting the use of any instrumentality or means of communication in unlawfully selling, purchasing, manufacturing, delivering, or possessing a controlled substance; providing penalties; providing an effective date.

By the Committees on Finance, Taxation and Claims; Natural Resources and Conservation; and Senators Deratany and Beard—

CS for CS for SB's 1408 and 511—A bill to be entitled An act relating to taxes on fuel and other pollutants; amending s. 206.9925, F.S.; redefining "pollutants" and "storage facility" for purposes of such taxes and defining "solvents," "solvent mixture," and "consume"; providing for a refund of certain taxes, penalties, and interest paid on ammonia and chlorine derivatives; amending s. 206.9935, F.S.; revising the rates of the tax for water quality on solvents and motor oil or other lubricants and providing a rate for solvent mixtures; revising provisions which allow certain credit for such tax paid on motor gasoline and gasohol and providing for repeal thereof; providing requirements with respect to identification of solvent mixtures; providing for repeal of the tax on lead-acid batteries; amending s. 206.9941, F.S.; revising and expanding the exemption for certain petroleum products from the tax for inland protection and providing that said exemption also applies to the tax for water quality; providing an exemption from the tax for water quality for certain pollutants which are exported and for solvents and solvent mixtures consumed in the production of materials which are not pollutants; providing an exemption from the taxes for coastal protection and inland protection for solvents, solvent mixtures, motor oil, and lubricants; amending s. 206.9942, F.S.; providing that the refund or credit allowed with respect to the tax for inland protection for petroleum products which are exported also applies to the tax for water quality; providing for refunds or credits for certain persons with respect to the tax for water quality for pollutants which are exported, for solvents and solvent mixtures which are consumed in the production of a product which is not a pollutant, and for solvents and solvent mixtures blended into solvent mixtures or used to produce other pollutants; creating s. 206.9943, F.S.; requiring persons not otherwise licensed pursuant to chapter 206, F.S., to obtain a pollutant tax license; providing a fee; amending s. 403.717, F.S.; defining "lead-acid battery"; creating s. 403.7185, F.S.; imposing a fee on the retail sale of new or remanufactured lead-acid batteries; providing exemptions; providing for administration, collection, and enforcement by the Department of Revenue; providing for emergency rules to be adopted to implement applicable provisions of the act; providing procedure for adoption of such rules; amending s. 376.307, F.S.; providing for deposit in the Water Quality Assurance Trust Fund; amending s. 72.011, F.S., which provides procedures for the contest of specific taxes by taxpayers, to include waste tire and lead-acid battery fees; amending s. 213.05, F.S., which provides for the responsibilities of the Department of Revenue regarding specified revenue laws, to include said fees; amending s. 213.21, F.S.; authorizing the compromise of taxes levied pursuant to part IV of ch. 206, F.S.; amending s. 9, ch. 88-393, Laws of Florida; revising the membership of the Water Quality Assurance Trust Fund Study Commission; revising requirements relating to its recommendations; extending the date for submission of a report to the Legislature; providing for retroactive application; providing effective dates.

By the Committee on Community Affairs and Senator Meek—

CS for SB 1422—A bill to be entitled An act relating to neighborhood improvement districts; amending s. 163.503, F.S.; providing that, for purposes of the "Safe Neighborhoods Act," "department" shall mean the Department of Legal Affairs; amending s. 163.504, F.S.; providing that

safe neighborhood improvement districts shall be eligible for technical assistance grants from the Department of Legal Affairs; amending ss. 163.506, 163.508, 163.511, F.S.; authorizing local government neighborhood improvement districts, property owners' association neighborhood improvement districts, and special neighborhood improvement districts to receive technical assistance grants from the department; requiring notification of the establishment of such districts; creating s. 163.5055, F.S.; requiring neighborhood improvement districts to register with the Department of Legal Affairs; requiring notification of dissolution of a district; creating s. 163.512, F.S.; authorizing the creation of community redevelopment neighborhood improvement districts; authorizing use of the community redevelopment trust fund to implement safe neighborhood plans; providing duties of the advisory council; providing for dissolution of the districts; amending s. 163.513, F.S.; providing that districts may not restrict access to or lawful use of public facilities; amending s. 163.514, F.S.; authorizing neighborhood improvement districts to make and collect special assessments; amending s. 163.517, F.S.; revising the number and amount of planning grants provided under the Safe Neighborhoods Trust Fund; requiring audit after expiration of a district's contract; creating s. 163.5175, F.S.; providing for awards of technical assistance grants under certain conditions and criteria; repealing s. 163.518, F.S., relating to the crime prevention through environmental design program; amending s. 163.519, F.S.; changing administrative duties from the Department of Community Affairs to the Department of Legal Affairs and adding duties, including certain reporting duties; creating s. 163.5201, F.S.; providing for evaluation of the safe neighborhoods program; amending s. 163.521, F.S., relating to overlap with enterprise zones; requiring completion of a plan prior to expenditure of funds; requiring that capital improvement funding requests be related to crime prevention through environmental design; creating s. 163.5215, F.S.; providing for effect of the Safe Neighborhoods Act on existing laws; amending s. 163.522, F.S.; encouraging the creation of neighborhood improvement districts within community redevelopment areas; transferring the Safe Neighborhoods Trust Fund from the Department of Community Affairs to the Department of Legal Affairs; providing an appropriation; providing an effective date.

By the Committee on Community Affairs and Senator Meek—

CS for SB 1445—A bill to be entitled An act relating to local government; creating the Florida Urban Development Loan Act; providing legislative findings, policy, and purpose; providing definitions; establishing the Florida Urban Development Loan Fund; providing for eligibility of local governments for loans and providing for delegation of powers; specifying activities for which loans may be used and prohibiting certain activities; authorizing the Department of Community Affairs to provide loans from the fund; providing requirements for granting of loans; providing limitations; providing for deposit of certain money into the fund; providing for rules; providing an appropriation; providing an effective date.

By the Committee on Higher Education and Senator Stuart—

CS for SB 1467—A bill to be entitled An act relating to education; amending s. 159.445, F.S., relating to powers and duties of the Florida Seed Capital Board; directing the board to develop a program to encourage private venture capitalists to make seed capital investments; directing the board to develop a program for technology transfer; repealing s. 6, ch. 88-201, Laws of Florida, which suspends certain expenditures from the Florida Seed Capital Fund; creating s. 228.077, F.S.; providing for supplemental vocational instruction; amending s. 230.645, F.S., relating to postsecondary student fees; providing for fees for postsecondary adult vocational and supplemental vocational instruction; amending s. 240.301, F.S.; including economic development within the mission of community colleges; amending s. 240.334, F.S.; providing for responsibilities for technology transfer centers; authorizing the State Board of Community Colleges to award grants for technology transfer centers; requiring advisory committees; amending s. 240.35, F.S.; providing for fees for postsecondary adult vocational and supplemental vocational instruction; amending s. 240.355, F.S.; providing for the reporting of postsecondary vocational program titles, numbers, and levels; amending s. 240.356, F.S.; providing for administrative funding and reporting for the Sunshine State Skills Program; creating s. 240.3575, F.S.; creating economic development centers within community colleges; providing purposes for economic development centers; providing for administration of centers; authorizing the State Board of Community Colleges to award grants to centers; providing annual reporting requirements; creating s. 240.358, F.S.; authorizing community colleges to offer workforce literacy instruction; providing for institutional eligibility; providing requirements for the offering of adult literacy instruction; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote Senate Bills 578, 641, 881, 918, 946, 1092, 1118 and 1333 and CS for SB 356, CS for SB 742, CS for SB 1000, CS for SB 1025, CS for SB 1066, CS for SB 1214 and CS for SB 1396 were withdrawn from the Committee on Appropriations.

On motion by Senator Margolis, by two-thirds vote SB 89 was removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Scott, by two-thirds vote Senate Bills 1535 and 1128 were withdrawn from the Committee on Rules and Calendar; SB 747 was withdrawn from the Committee on Judiciary-Civil; SB 957 was withdrawn from the Committee on Higher Education; CS for SB 533 was withdrawn from the Committee on Health and Rehabilitative Services; CS for SB 517 and CS for SB's 1195 and 1331 were withdrawn from the Committee on Community Affairs; SB 476 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining; CS for SB 57 was withdrawn from the Committee on Health Care; and SB 1441 was withdrawn from the Committee on Commerce.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointments Subject to Confirmation by the Senate:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees of Lake-Sumter Community College	
Appointees: Fogle, Albert E., Clermont	05/31/93
Hutchinson, Bettie L., Wildwood	05/31/93
Poole, T. H., Sr., Eustis	05/31/93

Referred to the Committee on Executive Business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed House Bills 585, 682, 773, 819, 1265, 1278, 1311, 1637, 1649, 1700; has passed as amended House Bills 584 and 981 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Drage and others—

HB 585—A bill to be entitled An act relating to the City of Orlando, Orange County; relating to the pension fund of the fire department of said city; amending chapter 23444, Laws of Florida, 1945, as amended, relating to composition of the board of trustees, general powers of the board of trustees with regard to investments, disability pensions for disabilities not in line-of-duty, and cost-of-living increase; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Peeples—

HB 682—A bill to be entitled An act relating to the City of Punta Gorda, Charlotte County; amending chapter 79-558, Laws of Florida, as amended, increasing maximum annual tax levies with respect to special taxing districts for the maintenance of canals, waterways, and navigable channels; providing a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 773—A bill to be entitled An act relating to Manatee County; pursuant to Section 14, Article III of the State Constitution and chapter 30, Florida Statutes, providing permanent status for certain employees of the Manatee County Sheriff; specifying rights of such employees; providing procedures for appeal of disciplinary actions and complaints against employees of the sheriff; providing for the appointment of a board to hear appeals and procedures with respect thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Nergard and others—

HB 819—A bill to be entitled An act relating to Saint Lucie County; providing permanent status for certain employees of the St. Lucie County Sheriff; specifying rights of such employees; providing procedures for appeal of disciplinary actions and complaints against employees of the sheriff; providing for appointment of boards to hear appeals and procedures with respect thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative R. C. Johnson and others—

HB 1265—A bill to be entitled An act relating to Bay County; repealing chapter 67-827, Laws of Florida, relating to the issuance of alcoholic beverage licenses for certain restaurants in Bay County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Banjanin and others—

HB 1278—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, relating to the Escambia County Civil Service Act; establishing the right of all classified employees, including deputy sheriffs, to engage in collective bargaining and retain all rights of public employees under law; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Arnold—

HB 1311—A bill to be entitled An act relating to Lee County; amending chapter 76-409, Laws of Florida, relating to the Fort Myers Shores Fire Protection and Rescue Service District; increasing from \$1 per \$1,000 of net taxable assessed valuation to \$2 per \$1,000 of net taxable assessed valuation, the authorized limit within which the board of the district may levy millage tax to provide for funds for the district; providing for a referendum.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Campbell—

HB 1637—A bill to be entitled An act relating to Flagler Estates Road and Water Control District, formerly Sixteen Mile Creek Water Control District, in St. Johns and Flagler Counties, created under chapter 298, F.S.; providing a parcel of land be deleted from the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Natural Resources and Conservation; and Rules and Calendar.

By Representatives Mitchell and Trammell—

HB 1649—A bill to be entitled An act relating to Jackson County; repealing chapter 61-2286, Laws of Florida; abolishing the Chipola Dormitory Authority; providing for the disposition of any assets owned by the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Goode—

HB 1700—A bill to be entitled An act relating to Brevard County; repealing chapter 61-1679, Laws of Florida, abolishing the Grant Drainage District, an independent special district; providing for transfer of assets and liabilities to Brevard County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Drage and others—

HB 584—A bill to be entitled An act relating to the City of Orlando, Orange County; relating to the pension fund of the police department of said city; amending chapter 22414, Laws of Florida, 1943, as amended, relating to composition of the board of trustees; amending chapter 65-2025, Laws of Florida, as amended, relating to additional powers of the board of trustees with regard to investments; amending chapter 22414, Laws of Florida, 1943, as amended, pertaining to disability pensions for disabilities not in line-of-duty; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Arnold—

HB 981—A bill to be entitled An act relating to Lee County; providing definitions; creating the Upper Captiva Fire Protection and Rescue Service District; creating the board of commissioners of the district; providing for their election, terms, and compensation; requiring bonds; empowering the board to levy ad valorem taxes to a specified list; providing a procedure for complaints of assessments; requiring the property appraiser to provide the board with certain information relating to assessments; reimbursing the county property appraiser and tax collector for their assistance; providing that district assessments constitute a lien on property; providing for the deposit of proceeds of assessments; empowering the board to borrow money to a certain limitation, to issue revenue anticipation certificates, and to pledge such liens and certificate revenue to pay the certificates; exempting board members from liability for repayment of loans; restricting the use of funds of the district; authorizing the board to acquire, lease, or maintain a fire department; providing for rules and an annual report; empowering the board to enact a fire prevention code; providing for referendums; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended CS for HB 1077.

John B. Phelps, Clerk

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed SB 474 and CS for SB 477.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 116 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 116—A bill to be entitled An act relating to motor vehicle accident reports; amending ss. 316.065, 316.066, 324.051, F.S.; revising the circumstances under which a driver involved in an accident must report the accident to the appropriate law enforcement agency and to the Department of Highway Safety and Motor Vehicles; revising the circumstances under which a law enforcement officer who investigates an accident must report the accident to the department; eliminating the requirement that the short-form report of the accident provided by the law

enforcement officer to each party involved in the accident must be provided within a specified time; revising requirements as to when and to whom proof of insurance must be provided; providing penalties; providing that certain accident reports filed by owners or operators of motor vehicles be kept confidential; providing exceptions from such requirements; providing for the admissibility of accident reports into evidence in certain cases; providing an effective date.

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Subsection (3) is added to section 316.062, Florida Statutes, to read:

316.062 Duty to give information and render aid.—

(3) *The statutory duty of a person to make a report or give information to a law enforcement officer making a written report relating to an accident shall not be construed as extending to information which would violate the privilege of such person against self-incrimination.*

Section 2. Subsection (1) of section 316.065, Florida Statutes, is amended to read:

316.065 Accidents; reports; penalties.—

(1) The driver of a vehicle involved in an accident resulting in injury to or death of any persons or ~~property~~ damage to any vehicle or other property in an apparent amount of at least \$500 shall immediately by the quickest means of communication give notice of the accident to the local police department, if such accident occurs within a municipality; otherwise, to the office of the county sheriff or the nearest office or station of the Florida Highway Patrol.

Section 3. Subsections (1), (3), and (4) of section 316.066, Florida Statutes, 1988 Supplement, are amended to read:

316.066 Written reports of accidents.—

(1) The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or ~~total~~ damage to any vehicle or other ~~all~~ property in ~~to~~ an apparent amount ~~extent~~ of at least \$500 ~~\$100 or more~~ shall, within 5 days after the accident, forward a written report of such accident to the department. However, when the investigating officer has made a written report of the accident pursuant to paragraph (3)(a), no written report need be forwarded to the department by the driver.

(3)(a) Every law enforcement officer who in the regular course of duty investigates a motor vehicle accident:

1. Which accident resulted in death or personal injury shall, within 24 hours after completing the investigation, forward a written report of the accident to the department.

2. Which accident involved a violation of s. 316.027(2), s. 316.061(1), or s. 316.193 shall, within 24 hours after completing the investigation, forward a written report of the accident to the department.

3. In which accident a vehicle was rendered inoperative to a degree which required a wrecker to remove it from traffic ~~may~~ shall, within 24 hours after completing the investigation, forward a written report of the accident to the department *if such action is appropriate, in the officer's discretion.*

However, in every case in which an accident report is required by this section and a written report to a law enforcement officer is not prepared ~~does not meet the circumstances described in subparagraph 1, subparagraph 2, or subparagraph 3,~~ the law enforcement officer shall, within 24 hours after completing the investigation, forward to the department and provide each party involved in the accident a short-form report, as prescribed by the department, to be completed by the party. The short-form which report must include, but is not limited to: the date, time, and location of the accident; a description of the vehicles involved; the names and addresses of the parties involved; the names and addresses of witnesses; the name, badge number, and law enforcement agency of the officer investigating the accident; and the names of the insurance companies for the respective parties involved in the accident. Each party to the accident shall, within 24 hours after the accident, provide the law enforcement officer or department with proof of insurance to be included in the accident report. *If a law enforcement officer submits a report on the accident, proof of insurance must be provided to the officer by each party*

involved in the accident within 24 hours after the accident. Any party who fails to provide the required information within the applicable time limit prescribed by this paragraph 24 hours is guilty of an infraction for a nonmoving violation, punishable as provided in s. 316.655.

(b) In the case of a county which has a central traffic records system for the purpose of tabulating and analyzing countywide traffic accident reports, the law enforcement agency shall submit a copy of the written report of the accident within the time limit prescribed in paragraph (a) to the central traffic records section of such county.

(c) Accident reports made by law enforcement officers shall not be used for commercial solicitation purposes; provided, however, that use of an accident report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."

(4) Except as specified in this subsection, each accident report made by a person involved in an accident and any statement made by such person to a law enforcement officer for the purpose of completing an accident report required by this section shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use of the records for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident, and except that the department shall disclose the final judicial disposition of the case, indicating which, if any, of the parties were found guilty. No such report or statement shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirements that such a report be made to the department. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the accident subsequent to that person being informed of his privilege against self-incrimination. The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are shall not fall within the confidential and privilege afforded by this subsection but shall be admissible into evidence in accordance with the provisions of s. 316.1934(2). Accident reports made by persons involved in accidents shall not be used for commercial solicitation purposes; provided, however, that use of an accident report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."

Section 4. Paragraph (b) of subsection (1) of section 324.051, Florida Statutes, is amended to read:

324.051 Reports of accidents; suspensions of licenses and registrations.—

(1)

(b) The department is hereby further authorized to require reports of accidents from individual owners or operators whenever it deems it necessary for the proper administration of this chapter, and these reports shall be made without prejudice except as specified in this subsection and shall be for the confidential use of the department. No such report shall be used as evidence in any trial arising out of an accident, but the fact of such report or the failure to report may be certified by the department. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the accident subsequent to that person being informed of the provisions of s. 316.062(3) and of his privilege against self-incrimination.

Section 5. This act shall take effect October 1, 1989.

Amendment 2—Strike the title and insert: An act relating to accident reports; amending s. 316.062, F.S.; providing a limitation on the duty to provide information; amending s. 316.065, F.S.; providing a minimum amount of damage to a vehicle or other property before requiring certain notice; amending s. 316.066, F.S.; increasing the minimum amount of damage required before a written accident report is required from the driver of a motor vehicle; providing that accident reports by law enforcement officers in certain cases shall be discretionary; requiring proof of insurance with respect to certain reports; providing for admissi-

bility of statements into evidence at criminal trials under certain circumstances; prohibiting the use of accident reports for certain commercial purposes; providing an exception; amending s. 324.051, F.S.; revising language with respect to the confidentiality of certain accident reports; providing for admissibility of statements into evidence at criminal trials under certain circumstances; providing an effective date.

Senator Beard moved the following amendments to House Amendment 1 which were adopted:

Amendment 1—On page 1, strike all of lines 10-17 of amendment 1 and renumber subsequent sections.

Amendment 2—On page 4, strike all of lines 24-28 and insert: The results of breath,

Amendment 3—On page 5, strike all of lines 21-26 and insert: report may be certified by the department.

Senator Beard moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—In title, on page 1, strike all of lines 8-24 and insert: An act relating to accident reports; amending s. 316.065, F.S.; providing a minimum amount of damage to a vehicle or other property before requiring certain notice; amending s. 316.066, F.S.; increasing the minimum amount of damage required before a written accident report is required from the driver of a motor vehicle; providing that accident reports by law enforcement officers in certain cases shall be discretionary; requiring proof of insurance with respect to certain reports; prohibiting the use of accident reports for certain commercial purposes; providing an exception; amending s. 324.051, F.S.; revising language with respect to the confidentiality of certain accident reports; providing an

On motion by Senator Beard, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

CS for SB 116 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Kiser	Ros-Lehtinen
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Stuart
Bruner	Gardner	Margolis	Thomas
Casas	Girardeau	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—1

Gordon

Vote after roll call:

Yea—Bankhead

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 122 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 122—A bill to be entitled An act relating to utility services; amending s. 180.135, F.S.; providing that a municipality may discontinue service to a tenant who is in arrears; providing an effective date.

Amendment 1—On page 1, lines 16-20, strike the following language, "In any case where a tenant does not make payment for service charges to a municipality for the provision of utility, water, or sewer services, the municipality shall notify the landlord of such nonpayment and the landlord may thereupon commence eviction proceedings."

On motion by Senator Kiser, the Senate refused to concur in the House amendment and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 214 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 214—A bill to be entitled An act relating to engineering; amending s. 471.003, F.S.; deleting a threshold exemption; amending s. 471.007, F.S.; providing for terms of members of the Board of Professional Engineers and deleting obsolete provisions relating thereto; amending s. 471.008, F.S.; providing for the adoption of rules; amending s. 471.011, F.S.; prescribing fees; amending s. 471.013, F.S.; deleting certain provisions which allow an applicant to sit for the licensure examination based upon experience in lieu of education; amending s. 471.019, F.S.; providing for reactivation of inactive licenses; amending s. 471.023, F.S.; deleting certain requirements for prior departmental approval for incorporating; amending s. 471.033, F.S.; specifying grounds for disciplinary actions; repealing s. 471.039, F.S., relating to the registration of certain engineers; providing that provisions of ch. 471, F.S., are not repealed, notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for future review and repeal; providing an effective date.

Amendment 1—On page 1, line 28, strike everything after the enacting clause and insert:

Section 1. Subsections (2) and (3) of section 471.003, Florida Statutes, are amended to read:

471.003 Qualifications for practice, exemptions.—

(2) The following persons are not required to register under the provisions of ss. 471.001-471.037 ~~471.001-471.039~~ as a registered engineer:

(a) Any person practicing engineering for the improvement of, or otherwise affecting, property legally owned by him, unless such practice involves a public utility or the public health, safety, or welfare or the safety or health of employees. This paragraph shall not be construed as authorizing the practice of engineering through an agent or employee who is not duly registered under the provisions of ss. 471.001-471.037 ~~471.001-471.039~~.

(b)1. A person acting as a public officer employed by any state, county, municipal, or other governmental unit of this state when working on any project the total estimated cost of which is \$10,000 or less.

2. Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge registered under ss. 471.001-471.037 ~~471.001-471.039~~, to the extent that the supervision meets standards adopted by rule of the board.

(c) Regular full-time employees of a corporation not engaged in the practice of engineering as such, whose practice of engineering for such corporation is limited to the design or fabrication of manufactured products and servicing of such products.

(d) Regular full-time employees of a public utility or other entity subject to regulation by the Florida Public Service Commission, Federal Energy Regulatory Commission, or Federal Communications Commission.

(e) Employees of a firm, corporation, or partnership who are the subordinates of a person in responsible charge, registered under ss. 471.001-471.037 ~~471.001-471.039~~.

(f) Any certified full-time faculty member teaching the principles and methods of engineering design in any college or university located in the state, as of July 1, 1979, and any such faculty member initially employed after July 1, 1979, for a period of 3 years from the date of employment.

(g) Any person as contractor in the execution of work designed by a professional engineer or in the supervision of the construction of work as a foreman or superintendent.

(h) A registered land surveyor who takes, or contracts for, professional engineering services incidental to his practice of land surveying and who delegates such engineering services to a registered professional engineer qualified within his firm or contracts for such professional engineering services to be performed by others who are registered professional engineers under the provisions of ss. 471.001-471.037 ~~471.001-471.039~~.

(i) Any electrical, plumbing, air-conditioning, or mechanical contractor whose practice includes the design and fabrication of electrical, plumbing, air-conditioning, or mechanical systems, respectively, which he installs by virtue of a license issued under chapter 489, under part I of chapter 553, or under any special act or ordinance when working on any construction project which:

1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of \$50,000 or less; and

2.a. Requires an aggregate service capacity of 600 amperes (240 volts) or less on a residential electrical system or 800 amperes (240 volts) or less on a commercial or industrial electrical system; or

b. Requires a plumbing system with fewer than 250 fixture units; or

c. Requires a heating, ventilation, and air-conditioning system not to exceed a 15-ton-per-system capacity, or if the project is designed to accommodate 100 or fewer persons; or

~~2. Is less than 5,000 square feet in area and is designed for public assembly.~~

(3) Notwithstanding the provisions of ss. 471.001-471.037 ~~471.001-471.039~~ or of any other law, no registered engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to his engineering practice, nor is any registered architect, or employee or subordinate under the responsible supervision or control of the architect, precluded from performing engineering services which are purely incidental to his architectural practice. However, no engineer shall practice architecture or use the designation "architect" or any term derived therefrom, and no architect shall practice engineering or use the designation "engineer" or any term derived therefrom.

Section 2. Subsections (2), (4), and (6) of section 471.005, Florida Statutes, are amended to read:

471.005 Definitions.—As used in ss. 471.001-471.037 ~~471.001-471.039~~, the term:

(2) "Certificate of ~~authorization authority~~" means a license to practice engineering issued by the department to a corporation or partnership.

(4) "Engineer" includes the terms "professional engineer" and "registered engineer" and means a person who is registered to engage in the practice of engineering under ss. 471.001-471.037 ~~471.001-471.039~~.

(6) "Engineering" includes the term "professional engineering" and means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. A person who practices any branch of engineering; who, by verbal claim, sign, advertisement, letterhead, or card, or in any other way, represents himself to be an engineer or, through the use of some other title, implies that he is an engineer or that he is registered under ss. 471.001-471.037 ~~471.001-471.039~~; or who holds himself out as able to perform, or does perform, any engineering service or work or any other service designated by the practitioner which is recognized as engineering shall be construed to practice or offer to practice engineering within the meaning and intent of ss. 471.001-471.037 ~~471.001-471.039~~.

Section 3. Section 471.007, Florida Statutes, is amended to read:

471.007 Board of Professional Engineers.—

(4) There is created in the Department of Professional Regulation a Board of Professional Engineers. The board shall consist of nine members, seven of whom shall be registered engineers and two of whom shall be lay persons who are not and have never been engineers or members of any closely related profession or occupation. Of the members who are registered engineers, three shall be civil engineers, one shall be either an electrical or electronic engineer, one shall be a mechanical engineer, one shall be an engineering educator, and one shall be from any discipline of engineering other than civil engineering. *Members shall be appointed by the Governor for terms of 4 years each.*

~~(2) Initially, the Governor shall appoint four members for a term of 4 years, three members for a term of 3 years, and two members for a term of 2 years. Thereafter, members shall be appointed for 4-year terms.~~

Section 4. Section 471.008, Florida Statutes, is amended to read:

471.008 Rules of the board.—The board may adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this chapter or chapter 455.

Section 5. Section 471.009, Florida Statutes, is amended to read:

471.009 Board headquarters.—The location of the Board of Professional Engineers shall be in Leon County; ~~provided, however, that this relocation shall be accomplished by January 1, 1990.~~

Section 6. Section 471.011, Florida Statutes, 1988 Supplement, is amended to read:

471.011 Fees.—

(1) The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, *inactive status application and reactivation of inactive licenses reinstatement*, and record-making and recordkeeping. ~~The fee for initial application and examination shall not exceed \$125 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Engineering Examiners or a similar national organization. The fee for application for registration by endorsement shall not exceed \$50. The biennial renewal fee shall not exceed \$75. The board may also establish, by rule, a late renewal penalty. The fee for a temporary registration or certificate to practice engineering in this state shall not exceed \$25 for an individual or \$50 for a business firm. The board shall establish fees which are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement ss. 471.001-471.037 471.001-471.039 and the provisions of law with respect to the regulation of engineers.~~

(2) ~~The initial application and examination fee shall not exceed \$125 plus the actual per applicant cost to the department to purchase the examination from the National Council of Engineering Examiners or a similar national organization. The examination fee shall be in an amount which covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee shall be nonrefundable.~~

(3) ~~The initial license fee shall not exceed \$200.~~

(4) ~~The fee for a certificate of authorization shall not exceed \$125.~~

(5) ~~The biennial renewal fee shall not exceed \$150.~~

(6) ~~The fee for a temporary registration or certificate to practice engineering shall not exceed \$25 for an individual or \$50 for a business firm.~~

(7) ~~The fee for licensure by endorsement shall not exceed \$150.~~

(8) ~~The fee for application for inactive status or for reactivation of an inactive license shall not exceed \$150.~~

Section 7. Section 471.019, Florida Statutes, is amended to read:

471.019 Inactive status.—

(1) A license which has become inactive may be reactivated pursuant to this section ~~s. 471.017~~ upon application to the department and payment of an inactive status application fee and a reactivation fee.

(a) The board shall prescribe by rule continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license for a registered engineer shall not exceed 12 classroom hours for each year the license was inactive.

(b) Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for ~~reactivation~~ renewal of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the *inactive* license, the department shall give notice to the licensee at the licensee's last address of record.

(2) The board shall ~~adopt~~ promulgate rules relating to application procedures for inactive status and for the reactivation of inactive licenses. ~~licenses which have become inactive and for the renewal of inactive licenses. The board shall prescribe by rule a fee not to exceed \$50 for the reactivation of an inactive license and a fee not to exceed \$50 for the renewal of an inactive license.~~

Section 8. Subsections (1) and (4) of section 471.023, Florida Statutes, are amended to read:

471.023 Certification of partnerships and corporations.—

(1) The practice of, or the offer to practice, engineering by registrants through a corporation or partnership offering engineering services to the public or by a corporation or partnership offering said services to the public through registrants under ss. 471.001-471.037 ~~471.001-471.039~~ as agents, employees, officers, or partners is permitted only if the firm possesses a certification issued by the department pursuant to qualification by the board, subject to the provisions of ss. 471.001-471.037 ~~471.001-471.039~~. One or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as engineers in this state shall be registered as provided by ss. 471.001-471.037 ~~471.001-471.039~~. All final drawings, specifications, plans, reports, or other papers or documents involving practices registered under ss. 471.001-471.037 ~~471.001-471.039~~ which are prepared or approved for the use of the corporation or partnership or for delivery to any person or for public record within the state shall be dated and shall bear the signature and seal of the registrant who prepared or approved them. Nothing in this section shall be construed to mean that a certificate of registration to practice engineering shall be held by a corporation. Nothing herein prohibits corporations and partnerships from joining together to offer engineering services to the public, provided each corporation or partnership otherwise meets the requirements of this section. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing engineering be relieved of responsibility for professional services performed by reason of his employment or relationship with a corporation or partnership.

~~(4) Persons seeking to incorporate under the provisions of this section shall first obtain approval from the department prior to filing articles of incorporation with the Department of State.~~

Section 9. Section 471.031, Florida Statutes, is amended to read:

471.031 Prohibitions; penalties.—

(1) No person shall knowingly:

(a) Practice engineering unless the person is registered pursuant to ss. 471.001-471.037 ~~471.001-471.039~~;

(b) Use the name or title "registered engineer" or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active registration as an engineer when the person is not registered pursuant to ss. 471.001-471.037 ~~471.001-471.039~~;

(c) Present as his own the registration of another;

(d) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a registration;

(e) Use or attempt to use a registration which has been suspended, revoked, or placed on inactive status;

(f) Employ unlicensed persons to practice engineering; or

(g) Conceal information relative to violations of ss. 471.001-471.037 ~~471.001-471.039~~.

(2) Any person who violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

Section 10. Subsection (1) of section 471.033, Florida Statutes, is amended to read:

471.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) ~~Violating~~ ~~Violation of~~ any provision of s. 471.025, s. 471.031, or s. 455.227(1) or any other provision of this chapter or rule of the board or department;

(b) Attempting to procure a license to practice engineering by bribery or fraudulent misrepresentations;

(c) Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act which would constitute a violation of this chapter or chapter 455;

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering. *A plea of nolo contendere creates a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person who is the subject of the disciplinary proceedings to present any evidence relevant to the underlying charges and the circumstances surrounding his plea;*

(e) Making or filing a report or record which the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a *registered licensed engineer*;

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content;

(g) Fraud or deceit, negligence, incompetence, or misconduct, in the practice of engineering;

(h) Violation of chapter 455;

(i) Practicing on a revoked, suspended, or inactive license;

(j) Affixing or permitting to be affixed his seal or his name to any plans, designs, drawings, or specifications which were not prepared by him or under his responsible supervision, direction, or control; or

(k) ~~Violating a rule of the board or department or any order of the board or department previously entered in a disciplinary hearing.~~

Section 11. Section 471.035, Florida Statutes, is amended to read:

471.035 Prosecution of criminal violations.—The board shall report any criminal violation of ss. 471.001-471.037 ~~471.001-471.039~~ to the proper prosecuting authority for prompt prosecution.

Section 12. Section 471.037, Florida Statutes, is amended to read:

471.037 Effect of ss. 471.001-471.037 ~~471.001-471.039~~ locally.—

(1) Nothing contained in ss. 471.001-471.037 ~~471.001-471.039~~ shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of registered engineers than the provisions of ss. 471.001-471.037 ~~471.001-471.039~~.

(2) In counties or municipalities which issue building permits, such permits shall not be issued in any case in which it is apparent from the application for such building permit that the provisions of ss. 471.001-471.037 ~~471.001-471.039~~ have been violated. However, this subsection shall not authorize the withholding of building permits in any cases involving the exceptions and exemptions set out in s. 471.003 ~~within the exempt classes set forth in ss. 471.001-471.039~~.

Section 13. Section 471.039, Florida Statutes, is hereby repealed.

Section 14. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, and except as otherwise specifically provided herein, chapter 471, Florida Statutes, shall not stand repealed on October 1, 1989, and shall continue in full force and effect as amended herein.

Section 15. Chapter 471, Florida Statutes, is repealed on October 1, 1999, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 16. This act shall take effect October 1, 1989.

Amendment 2—On page 1 in the title, lines 2-25, strike all said lines and insert: An act relating to engineering; amending s. 471.003, F.S.; deleting a threshold exemption; amending s. 471.005, F.S.; modifying definitions; amending s. 471.007, F.S.; providing for terms of members of the Board of Professional Engineers and deleting obsolete provisions relating thereto; amending s. 471.008, F.S.; revising rulemaking authority; amending s. 471.009, F.S.; deleting obsolete language; amending s. 471.011, F.S.; expanding rulemaking authority relating to fees; providing a schedule of fees; amending s. 471.019, F.S.; revising requirements for license reactivation; amending s. 471.023, F.S.; deleting requirement for prior departmental approval for incorporating; amending ss. 471.031 and 471.035, F.S.; correcting cross references; amending s. 471.033, F.S.; modifying grounds for disciplinary actions; amending s. 471.037, F.S.; clarifying local effect of provisions; repealing s. 471.039, F.S., relating to the registrations of certain engineers; saving chapter 471, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

On motions by Senator Jennings, the Senate concurred in the House amendments.

SB 214 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 245 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 245—A bill to be entitled An act relating to state uniform traffic control; transferring s. 413.07 to s. 316.1301, F.S.; providing traffic regulations to assist blind persons; providing penalties; providing for the application of the act; providing an effective date.

Amendment 1—On page 2, line 22, after the period insert: Section 2. Section 316.1303, Florida Statutes, is created to read:

316.1303 Traffic regulations to assist mobility-impaired persons.—Whenever a pedestrian is in the process of crossing a public street or highway and the pedestrian is mobility-impaired (using a walker, a crutch, an orthopedic cane or a wheelchair), the driver of every vehicle approaching the intersection, as defined in s. 316.003(17), shall bring his vehicle to a full stop before arriving at such intersection and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian. A person who is convicted of a violation of this section shall be punished as provided in s. 318.18(3).

(renumber subsequent section)

Amendment 2—On page 1 in the title, line 6, after the semicolon insert: creating s. 316.1303, F.S.; providing that certain mobility-impaired persons shall have the right-of-way on public streets or highways in the same manner as is currently the case for blind persons; providing a penalty;

On motions by Senator Jennings, the Senate concurred in the House amendments.

CS for SB 245 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Johnson	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—McPherson

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 696 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 696—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption of limited duration from the public records law for title information relating to real property sought to be acquired by a state agency through purchase or the power of eminent domain; providing for future review and repeal of exemptions relating to such property; providing an effective date.

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Paragraph (q) of subsection (3) of section 119.07, Florida Statutes, 1988 Supplement, is amended to read:

119.07 Inspection and examination of records; exemptions.—

(3)

(q) In any case in which an agency of the executive branch of state government seeks to acquire real property by purchase or through the exercise of the power of eminent domain all appraisals, other reports relating to value, offers, and counteroffers must be in writing and are exempt from the provisions of s. 119.01 and subsection (1) until execution of a valid option contract or a written offer to sell which has been conditionally accepted by the agency, at which time the exemption shall expire. The agency shall not finally accept the offer for a period of 30 days in order to allow public review of the transaction. The agency may give conditional acceptance to any option or offer subject only to final acceptance by the agency after the 30-day review period. If a valid option contract is not executed, or if a written offer to sell is not conditionally accepted by the agency, then the exemption from the provisions of this chapter shall expire at the conclusion of the condemnation litigation of the subject property. *An agency of the executive branch may exempt title information, including names and addresses of property owners whose property is subject to acquisition by purchase or through the exercise of the power of eminent domain, from the provisions of s. 119.01 and subsection (1) to the same extent as appraisals, other reports relating to value, offers, and counteroffers. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Nothing in this section shall be construed to provide an exemption from or exception to s. 286.011. For the purpose of this paragraph "option contract" means an agreement of an agency of the executive branch of state government to purchase real property subject to final agency approval. This paragraph shall have no application to other exemptions from the requirements of s. 119.01 or subsection (1) which are contained in other provisions of law and shall not be construed to be an express or implied repeal thereof.

Section 2. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 2—Strike the title and insert: An act relating to public records; amending s. 119.07, F.S.; providing that agencies of the

executive branch may exempt from public records requirements title information relating to property which is subject to acquisition by the agency; providing for future review and repeal; providing an effective date.

On motions by Senator Beard, the Senate concurred in the House amendments.

SB 696 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Langley	Souto
Bankhead	Forman	Malchon	Stuart
Beard	Gardner	Margolis	Thomas
Brown	Girardeau	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Scott	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 237 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 237—A bill to be entitled An act relating to alternative dispute resolution; amending s. 44.101, F.S.; deleting authorization for the appropriation of revenues or the levying of a service charge, pursuant to a valid public purpose, to fund certain mediation services; amending s. 44.302, F.S.; requiring assignment of certain disputes involving child custody, visitation, and child support to existing mediation programs; amending s. 44.303, F.S.; providing a cap on arbitrator's fees; directing the Supreme Court to encourage the use of voluntary arbitrators; providing that volunteer arbitrators shall be reimbursed for expenses; providing for discretionary rather than mandatory assessment of costs under certain circumstances; amending s. 44.304, F.S.; providing exceptions to disputes which may be referred to voluntary binding arbitration; creating s. 44.307, F.S.; providing that mediators and arbitrators shall have certain immunity; creating s. 44.308, F.S.; providing for funding mediation and arbitration services; providing an effective date.

Amendment 3—On page 4, strike all of lines 22 and 23 and insert: any county court civil proceeding.

Section 7. This act shall take effect January 1, 1990.

Amendment 4—On page 2, strike all of lines 13-19 and insert:

(4) A family mediation or ~~conciliation~~ service is hereby declared to serve a valid public purpose. The board of county commissioners may support such a service by appropriating moneys from county revenues or by levying a service charge of no more than \$2 on any circuit court proceeding.

(5) The provisions of this section shall be

Amendment 5—On page 1, line 7, strike "mediation" and insert: conciliation

Amendment 6—On page 3, line 4, strike "Shall" and insert: May

On motions by Senator Davis, the Senate concurred in the House amendments.

SB 237 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Johnson	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Margolis	Stuart
Brown	Gardner	McPherson	Thomas
Bruner	Girardeau	Meek	Thurman
Casas	Gordon	Myers	Walker
Childers, D.	Grant	Peterson	Weinstein
Childers, W. D.	Grizzle	Plummer	Weinstock
Crenshaw	Jennings	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Malchon

House Conferees on SB 1500 and SB 1501 Appointed*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendments to SB 1500 and has acceded to the request of the Senate. The Speaker has appointed a Conference Committee.

The Speaker has appointed Representative Wetherell, Chairman; General Government: Representatives Mitchell, Saunders and Morse, alternates: Representatives Rudd and Gordon; Government Administration and Personnel: Representatives Clark, Bloom and Juri, alternates: Representatives Ireland and Clements; Transportation: Representatives Figg, Mackey, M. Diaz-Balart, alternates: Representatives Peeples and Silver; Education: Representatives B.L. Johnson, Liberti and Hawkins, alternates: Representatives Kelly and Friedman; Health and Rehabilitative Services: Representatives Abrams, Brown and Sanderson, alternates: Representatives Frankel and King; Criminal Justice: Representatives Canady, Burke and Rojas, alternates: Representatives Langton and Jamerson; Ex Officio: Representative Lippman.

*John B. Phelps, Clerk**The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendments to SB 1501 and has acceded to the request of the Senate. The Speaker has appointed a Conference Committee.

The Speaker has appointed Representative Wetherell, Chairman; General Government: Representatives Mitchell, Saunders and Morse, alternates: Representatives Rudd and Gordon; Government Administration and Personnel: Representatives Clark, Bloom and Juri, alternates: Representatives Ireland and Clements; Transportation: Representatives Figg, Mackey, M. Diaz-Balart, alternates: Representatives Peeples and Silver; Education: Representatives B.L. Johnson, Liberti and Hawkins, alternates: Representatives Kelly and Friedman; Health and Rehabilitative Services: Representatives Abrams, Brown and Sanderson, alternates: Representatives Frankel and King; Criminal Justice: Representatives Canady, Burke and Rojas, alternates: Representatives Langton and Jamerson; Ex Officio: Representative Lippman.

*John B. Phelps, Clerk**The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 428 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 428—A bill to be entitled An act relating to credit card crimes; amending ss. 817.62, 817.67, F.S.; prohibiting, without the authorization of the acquirer, the employment or solicitation of a person who is authorized by an acquirer to accept payment by credit card for furnishing money, goods, or services, or the employment or solicitation of an agent or employee of such authorized person, for the purpose of remitting to the acquirer a credit card transaction record of a sale that was not made by such authorized person or his agent or employee; specifying a violation of such prohibition as a felony of the third degree; providing that a violation of such prohibition is an unfair or deceptive act or practice and a

basis for a civil or administrative action by the state attorney or the Department of Legal Affairs pursuant to pt. II, ch. 501, F.S.; providing an effective date.

Amendment 1—On page 2, lines 18-22, strike everything after "817.67(2)." and insert new subparagraph (c):

(c) Any violation of this subsection constitutes an unfair or deceptive act or practice within the meaning of s. 501.204 and thus the basis for a civil or administrative action by an enforcing authority pursuant to part II of chapter 501.

On motion by Senator Weinstein, the Senate concurred in the House amendment.

SB 428 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Langley	Stuart
Bankhead	Dudley	Malchon	Thomas
Beard	Forman	Margolis	Thurman
Brown	Gardner	McPherson	Walker
Bruner	Girardeau	Meek	Weinstein
Casas	Gordon	Myers	Weinstock
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Grizzle	Plummer	
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Souto	

Nays—None

SPECIAL ORDER

CS for SB 759—A bill to be entitled An act relating to payment of taxes; creating s. 213.755, F.S.; authorizing the Department of Revenue to require the payment of certain taxes by electronic transfer of funds; creating ss. 210.021, 210.31, 550.096, 551.061, 561.111, F.S.; authorizing the secretary of the Department of Business Regulation to require a dealer selling cigarettes to remit taxes by electronic funds transfer under certain circumstances; authorizing the secretary of the department to require a distributor selling tobacco products to remit taxes by electronic funds transfer under certain circumstances; authorizing the secretary of the department to require permitholders conducting race meetings to remit taxes by electronic funds transfer under certain circumstances; authorizing the secretary of the department to require permitholders conducting jai alai exhibitions to remit taxes by electronic funds transfer under certain circumstances; authorizing the secretary of the department to require manufacturers and distributors of alcoholic beverages to remit taxes by electronic funds transfer under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 759 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Malchon	Stuart
Bankhead	Forman	Margolis	Thomas
Beard	Gardner	McPherson	Thurman
Brown	Girardeau	Meek	Walker
Bruner	Gordon	Myers	Weinstein
Casas	Grant	Peterson	Weinstock
Childers, D.	Grizzle	Plummer	Woodson-Howard
Childers, W. D.	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	
Deratany	Langley	Souto	

Nays—None

Consideration of **CS for SB 690** was deferred.

Senator W. D. Childers presiding

HM 1717—A memorial to the Congress of the United States, urging Congress to support the establishment of a board to investigate the dispute between Eastern Airlines and its collective bargaining units.

—was read the second time in full. On motion by Senator Forman, HM 1717 was adopted and certified to the House. The vote on adoption was:

Yeas—35

Bankhead	Forman	Malchon	Souto
Beard	Gardner	Margolis	Stuart
Brown	Girardeau	McPherson	Thomas
Bruner	Gordon	Meek	Thurman
Casas	Grant	Myers	Walker
Childers, W. D.	Grizzle	Peterson	Weinstein
Crenshaw	Johnson	Plummer	Weinstock
Davis	Kiser	Ros-Lehtinen	Woodson-Howard
Dudley	Langley	Scott	

Nays—None

Vote after roll call:

Nay—Deratany

Yea to Not Voting—Davis

SB 1293—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; revising provisions relating to the powers and duties of district school boards in the control of pupils; providing an effective date.

The President presiding

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote SB 1293 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Gardner	Malchon	Souto
Brown	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Crenshaw	Grizzle	Meek	Weinstock
Davis	Jennings	Myers	Woodson-Howard
Forman	Johnson	Ros-Lehtinen	

Nays—12

Bankhead	Childers, D.	Kiser	Plummer
Beard	Childers, W. D.	Langley	Thomas
Bruner	Dudley	Peterson	Thurman

Vote after roll call:

Nay—Deratany

SB 1169—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.1625, F.S., providing that all required vaccination of registered tattooed greyhounds which are kenneled and which have been raised for racing in pari-mutuel wagering events shall be under the direct supervision and control of the Division of Pari-mutuel Wagering; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 24 and 25, insert:

Section 2. Subsection (2) of section 550.262, Florida Statutes, 1988 Supplement, is amended to read:

550.262 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(2) Each permitholder conducting a horserace meet shall be required to pay from the commission withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.

(a) A permitholder conducting a thoroughbred horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 7.5 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(b) A permitholder conducting a harness horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 7.5 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

(c) A permitholder conducting a quarter horse race meet under the provisions of this chapter shall pay from the commissions withheld a sum not less than 6 percent of all contributions to pari-mutuel pools conducted during the race meet as purses.

The Division of Pari-mutuel Wagering of the Department of Business Regulation shall adopt rules that are approved and recommended by the Florida Pari-mutuel Commission to ensure the timely and accurate payment of all amounts withheld by horserace permitholders regarding the distribution of purses, owners' awards, and other amounts collected for payment to owners and breeders. In the event that a permitholder fails to pay the minimum purse required by this subsection, the permitholder shall, within 30 days of the end of the meet during which the permitholder underpaid purses, deposit an amount equal to the underpayment into a separate, interest-bearing account; and the total principal and interest shall be used to increase purses during the permitholder's next meet. In the event a permitholder overpays the minimum purses, the permitholder shall be entitled to recover the amount of the overpayment in the permitholder's next meet.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 9, after the semicolon (;) insert: amending s. 550.262, F.S.; requiring the division to adopt certain rules; deleting a requirement imposed on a horseracing permitholder who fails to pay the required minimum purse;

On motion by Senator Thurman, by two-thirds vote SB 1169 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Johnson	Ros-Lehtinen
Bankhead	Deratany	Kiser	Souto
Beard	Dudley	Langley	Stuart
Brown	Forman	Malchon	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Girardeau	McPherson	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard

Nays—None

SB 365—A bill to be entitled An act relating to witnesses; amending s. 92.231, F.S.; expanding the definition of "expert witness" with respect to criminal cases; amending s. 406.09, F.S.; providing that expert witness fees for medical examiners be paid as provided in s. 914.06, F.S.; amending s. 914.06, F.S.; providing for compensation of expert witnesses in criminal cases when such witnesses are medical examiners subpoenaed by privately hired legal counsel; providing an effective date.

—was read the second time by title.

Senator Brown moved the following amendments which were adopted:

Amendment 1—On page 1, lines 27-31 and on page 2, lines 1-15, strike all of said lines and insert:

Section 2. Section 914.06, Florida Statutes, is amended to read:

914.06 Compensation of expert witnesses in criminal cases.—In a criminal case when the state or an indigent defendant requires the services of an expert witness whose opinion is relevant to the issues of the case, the court shall award reasonable compensation to the expert witness that shall be taxed and paid by the county as costs in the same manner as other costs. *However, if such expert witness is a district medical examiner or associate medical examiner who is subpoenaed by a non-indigent defendant, compensation shall be paid by the party who subpoenaed such witness unless payment is otherwise provided for by the county, regardless of discharge, conviction, or acquittal of the defendant, and paid within a reasonable period of time of taking such testimony.*

(Renumber subsequent section.)

Amendment 2—In title, on page 1, strike all of lines 5-11 and insert: cases; amending s. 914.06, F.S.; providing for compensation of expert witnesses in criminal cases when such witnesses are medical examiners subpoenaed by non-indigent defendants; providing an

On motion by Senator Brown, by two-thirds vote SB 365 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Johnson	Plummer
Bankhead	Deratany	Kiser	Ros-Lehtinen
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Girardeau	McPherson	Weinstein
Childers, D.	Gordon	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	

Nays—None

SB 369—A bill to be entitled An act relating to local occupational license taxes; amending s. 205.054, F.S.; providing for notice to applicants for occupational licenses of the partial exemption for businesses located in enterprise zones; providing an effective date.

—was read the second time by title. On motion by Senator Ros-Lehtinen, by two-thirds vote SB 369 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Johnson	Ros-Lehtinen
Bankhead	Deratany	Kiser	Souto
Beard	Dudley	Langley	Thomas
Brown	Forman	Malchon	Thurman
Bruner	Gardner	Margolis	Walker
Casas	Girardeau	McPherson	Weinstein
Childers, D.	Gordon	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	

Nays—1

Plummer

CS for SB 1084—A bill to be entitled An act relating to developmental disabilities; amending s. 393.065, F.S.; requiring the Department of Health and Rehabilitative Services to develop a habilitation plan for each developmentally disabled person who receives services from the department; requiring the department to specify the services and facilities that it will provide to such person; requiring the department to develop a standard habilitation plan form; providing for the administration of the development of each plan; requiring the department to consider specified facilities for the residential care of such persons; requiring the department to specify habilitation goals for such a person and to review and revise the plan according to the progress of the habilitation of such a person; requiring the department to report the habilitative and medical progress of such persons to him or his parent or guardian; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 1084 to conform the bill to HB 1380.

Pending further consideration of CS for SB 1084 as amended, on motion by Senator Weinstock—

HB 1380—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; providing a definition; creating s. 393.0651, F.S.; providing procedures with respect to application for services and habilitation plans; providing for case management and client advocates; specifying placement preferences; providing for review and revision of habilitation plans; providing the right to challenge decisions; providing an effective date.

—a companion measure, was substituted for CS for SB 1084 and read the second time by title.

Senator Woodson-Howard moved the following amendment which was adopted:

Amendment 1—On page 1, line 15, insert:

Section 1. Subsections (3), (4), (5), (6), (7), (8), (9), and (10) of section 393.001, Florida Statutes, 1988 Supplement, are amended to read:

393.001 Florida Developmental Disabilities Planning Council.—

(3) There is created the Florida Developmental Disabilities Planning Council *within the Department of Health and Rehabilitative Services*, herein referred to as the "council," which shall be an interdepartmental and interagency advisory, *planning, and advocacy* body, with respect to the departments and agencies of the state, for programs and services affecting persons with developmental disabilities. *The council shall be a separate budget entity for purposes of chapter 216, and the executive director shall be its agency head for all purposes. The Department of Health and Rehabilitative Services shall provide administrative support and service to the extent requested by the executive director. The council shall not be subject to control, supervision, or direction by the Department of Health and Rehabilitative Services, in any manner including, but not limited to, policy, personnel, purchasing, transactions involving real or personal property, or budgetary matters.* In addition, the council shall be the state developmental disabilities planning council required by 42 U.S.C. s. 6024 s-6067, as amended, of the Developmentally Disabled Assistance and Bill of Rights Act.

(4) The duties of the council are:

(a) To advocate in behalf of persons with developmental disabilities.

(b) To advise the executive and legislative branches of state government and the private sector on programs, policies, and proposed legislation pertaining to current and potential services to persons with developmental disabilities and their families.

(c) To review and comment on proposed state legislation, rules, operating policies, and plans relating to services and programs for persons with developmental disabilities, including, but not limited to, the development of such proposals by all departments and agencies of state government.

(d) To assess, review, and monitor the services and programs being provided for persons who are developmentally disabled consistent with 42 U.S.C. s. 6000, as amended. Client records shall be made available for the implementation of this paragraph only with the permission of the client or pursuant to applicable state law.

(e) To develop, prepare, adopt, review annually, and revise as necessary, in consultation with the departments and agencies of state government, a state plan prescribing a program which meets the needs of persons with developmental disabilities and to submit such plan and all revisions to the plan to the Governor's office, the President of the Senate, and the Speaker of the House of Representatives for review and recommendations. Such state plan shall meet the requirements of, and shall be the state plan submitted under, 42 U.S.C. s. 6022 s-6063, as amended.

(5) The council shall be composed of *at least* 27 members, at least one of whom must be 60 years of age or older, to be appointed by the Governor, who shall make appropriate provision for the rotation of membership on the council. The council at all times must include in its membership representatives of the principal state agencies, higher education training facilities, local agencies, and nongovernmental agencies and groups concerned with services to persons with developmental disabilities and one person who is not, and has never been, engaged in the business of providing training or other services to persons having developmental disabilities.

(a) At least one-half of the membership of the council shall consist of persons who are:

1. Persons with developmental disabilities or parents or guardians of such persons; or

2. Immediate relatives or guardians of persons with mentally impairing developmental disabilities.

(b) Of the members of the council described in paragraph (a), at least one-third shall be individuals described in subparagraph (a)2.; and at least one of such individuals shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability.

(c) The Governor may remove any member of the council from office for cause.

(7)(a) ~~The council is designated as an independent council whose administrative operation may be performed by the council or by another agency as designated by the Governor. If the council is located in a state agency, that agency's operations shall have no conflict of interest with the~~

~~stated mission of the council. Should the Governor designate an administering agency for the council, the council shall be housed therein, but it shall otherwise function independent of the control, supervision, and the direction of the administering agency. The council shall biennially prepare a develop its legislative budget request pursuant to chapter 216 which shall include an estimate of income and expenditures for its administration and operation to be submitted directly to the Governor as chief budget officer of the state, in the form and manner prescribed in the budget instructions, for transmittal to the Legislature for approval. Subject to the approval of the Legislature, expenses of the council shall be financed by the state grant award under 42 U.S.C. s. 6000 et seq., as amended, and such other funding sources as it deems appropriate be submitted directly to the Governor.~~

(b) The council shall appoint, and may remove, an executive director, who shall serve under the direction, supervision, and control of the council. The executive director, with the consent of the council, shall employ and may terminate such personnel as may be necessary to perform adequately the functions of the council, within budgetary limitations. The council may contract for services necessary to carry out its activities when this will promote efficiency, avoid duplication of effort, and make use of available expertise.

(c) The council may establish committees which shall be given responsibility for conducting specific council programs and activities.

(d) The council shall adopt bylaws and policies consistent with this section and applicable state and federal law. The bylaws and policies shall include duties of officers, a process for selecting officers, duties of committees, quorum requirements for committees, provisions for special or ad hoc committees, and policies for council staff and members. The members of any ad hoc committee shall be entitled to reimbursement in the same manner that council members are reimbursed.

(8) The council may apply for and accept funds, grants, gifts, and services from the state, the United States Government or any of its agencies, or any public or private source, and it is authorized to use funds derived from these sources to carry out the council duties. Such funds shall be deposited in the State Treasury and disbursed pursuant to subsection (9)(8) and in accordance with chapters 215 and 216.

(9) The Governor shall designate ~~by executive order~~ the Department of Health and Rehabilitative Services to be the designated state administering agency ~~or the council~~, as specified under 42 U.S.C. s. 6022 ~~s. 6063~~, as amended, to receive and administer federal and state funds appropriated or received as provided for the developmental disabilities program established by this section and federal law. The designated state administering agency or the council shall:

(a) Receive, deposit, and disburse funds for the developmental disabilities program in accordance with this section, applicable state and federal law, and the purposes and priorities established by the council in the state plan specified in this section.

(b) Provide fiscal control and fund accounting procedures necessary to assure the proper disbursement of, and accounting for, grant funds.

(10) The council shall negotiate a written work agreement with the Department of Health and Rehabilitative Services regarding the provision of matching funds by the department to the council, as required under 42 U.S.C. s. 6002, and other additional support services.

~~(c) Negotiate a written work agreement with the council and the administering agency. The council and the department administering agency shall review the work agreement annually.~~

~~(11)(10) This section is repealed on October 1, 1994, and the Florida Developmental Disabilities Planning Council shall be reviewed by the Legislature pursuant to s. 11.611.~~

(Renumber subsequent sections.)

Senator Weinstock moved the following amendment which was adopted:

Amendment 2—On page 4, between lines 25 and 26, insert:

Section 3. Subsections (10), (11), (12), (13), and (14) are added to section 393.067, Florida Statutes, to read:

393.067 Licensure of residential facilities.—

(10) The department shall develop a plan by March 15, 1991, to phase out all of the unlicensed beds in developmental services institutions by December 30, 1995, and, contingent upon appropriations, ensure that all beds operating after that date are licensed. This plan must address among other issues the transfer of funds from developmental services institutions to the community.

(11) In addition to the requirements in s. 393.067(4), the initial license application for an intermediate care facility for the mentally retarded or developmentally disabled of six beds or less shall also include:

(a) The provider's proposal on forms provided by the department, including a proforma budget which shall also serve as the basis for establishing an initial interim Medicaid reimbursement rate.

(b) Approval and selection by the district and the Developmental Services Program of the providers's proposal in accordance with s. 393.067(12)(c).

(12) The initial license application shall be valid while the provider develops the facility in compliance with the conditions of the approved proposal.

(13) The department shall only accept proposals for intermediate care facilities for the mentally retarded or developmentally disabled of six beds or less in response to the publication of projected bed need.

(a) Projected bed need shall be published by the department at least annually and shall identify:

1. The district in which the beds are to be located.
2. The maximum per diem cost which shall be in accordance with the Florida Title XIX ICF/MR Reimbursement Plan.
3. The maximum size of the facility.
4. The level of care of clients to be served including demographic and programmatic characteristics of the client population. To the maximum extent possible, projected bed need shall be directed towards clients who have severe disabilities, have extensive service needs, and who require extensive active treatment services.

(b) Projected bed need shall be determined by the department on the basis of:

1. Overall need for residential services by clients, including residents in ICF/MR facilities of greater than six beds who are in need of less restrictive or specialized environments, as well as persons who are in need of residential services, but are not yet receiving them.
2. Client eligibility for intermediate care facility for the mentally retarded or developmentally disabled services.
3. Client need for extensive active treatment services.
4. Overall Developmental Services Program residential services bed capacity.
5. Occupancy rate of current bed capacity.
6. Growth of alternative residential environments.
7. Growth of the state's general population.
8. Growth of the state's population of people with developmental disabilities.

(c) The department shall approve and select from provider proposals that respond to published projected bed need based on the following weighted criteria in order of importance:

1. Adequacy and quality of services that address the published bed need projections, especially the client demographic and programmatic characteristics.
2. Completeness of the proposal and adherence to time frames.
3. Demonstration of financial ability to operate the facility in relation to published bed need projections.
4. Appropriateness of per diem cost to provide quality services.

(14) Any license granted for intermediate care facilities for the mentally retarded or developmentally disabled under the provisions of s. 393.067(10) and 393.067(12) shall be valid only while the provider operates the facility in compliance with the conditions in the proposal that were approved by the department as well as all other applicable laws and regulations related to the operation of such facilities.

(Renumber subsequent section.)

Senator Woodson-Howard moved the following amendment which was adopted:

Amendment 3—In title, on page 1, between lines 2 and 3, insert: amending s. 393.001, F.S.; locating the Florida Developmental Disabilities Planning Council within the Department of Health and Rehabilitative Services for administrative purposes; providing for the council to be a separate budget entity for purposes of ch. 216, F.S.; modifying the powers and duties of the council; correcting a cross-reference; providing for funding the council; authorizing the council to contract for certain services; requiring the council to negotiate certain agreements with the department;

Senator Weinstock moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 11, after the semicolon (;) insert: amending s. 393.067, F.S.; requiring the department to develop a plan to phase out unlicensed beds in developmental services institutions; providing requirements for license applications for intermediate care facilities for mentally retarded or developmentally disabled persons; requiring the Department of Health and Rehabilitative Services to publish a projected bed need for such facilities; providing criteria for selecting and approving proposals to provide such facilities;

On motion by Senator Weinstock, by two-thirds vote HB 1380 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dudley	Malchon	Thomas
Beard	Forman	Margolis	Thurman
Brown	Gardner	Meek	Walker
Bruner	Girardeau	Myers	Weinstein
Casas	Gordon	Peterson	Weinstock
Childers, D.	Grizzle	Plummer	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Souto	
Deratany	Kiser	Stuart	

Nays—None

On motion by Senator Weinstock, the rules were waived and **HB 1380** was ordered immediately certified to the House.

SB 383—A bill to be entitled An act relating to events on public property; requiring sponsors or promoters of events held on public property to protect, cleanup, and restore such property to its original condition; providing a time limit; providing that this act does not supersede existing requirements which are more stringent; providing a noncriminal penalty; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Souto and adopted:

Amendment 1—On page 1, line 28, strike "offense" and insert: violation

On motion by Senator Souto, by two-thirds vote SB 383 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Brown	Childers, D.	Davis
Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Dudley

Forman	Kiser
Girardeau	Langley
Gordon	Malchon
Grizzle	Margolis
Johnson	Meek

Nays—None

Vote after roll call:

Yea—Jennings

CS for SB 1033—A bill to be entitled An act relating to civil remedies for criminal practices; amending s. 772.11, F.S.; providing for a minimum damages recovery for persons injured by specified theft offenses; providing a procedure for written demand and written release; providing for recovery of damages from the parents or legal guardian of a minor; providing an effective date.

—was read the second time by title.

Senator Souto moved the following amendment which was adopted:

Amendment 1—On page 1, line 18, strike "or s. 812.081"

On motion by Senator Souto, by two-thirds vote CS for SB 1033 was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Johnson	Scott
Bankhead	Deratany	Kiser	Souto
Beard	Dudley	Langley	Stuart
Brown	Forman	Malchon	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Girardeau	Meek	Walker
Childers, D.	Gordon	Myers	Weinstein
Childers, W. D.	Grizzle	Plummer	Weinstock
Crenshaw	Jennings	Ros-Lehtinen	Woodson-Howard

Nays—None

On motions by Senator Stuart, by two-thirds vote HB 1411 was withdrawn from the Committees on Governmental Operations and Judiciary-Civil.

On motion by Senator Stuart—

HB 1411—A bill to be entitled An act relating to the Department of State; amending s. 15.16, F.S.; providing for optical image record storage; prescribing admissibility and authenticity of records so stored; providing for receipt of certain records through facsimile or other electronic transfer; providing for certification and electronic transmittal of department records; authorizing the department to adopt rules; providing an effective date.

—a companion measure, was substituted for SB 444 and read the second time by title. On motion by Senator Stuart, by two-thirds vote HB 1411 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	Meek	Walker
Casas	Gordon	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

On motions by Senator Kirkpatrick, by two-thirds vote CS for HB 556 was withdrawn from the Committees on Commerce and Economic, Professional and Utility Regulation.

On motion by Senator Kirkpatrick—

CS for HB 556—A bill to be entitled An act relating to pilots, piloting, and pilotage; creating s. 310.142, F.S.; providing for reciprocal pilotage of vessels in the boundary waters and tributaries of St. Marys Entrance; providing for rules; rescheduling Sunset review and repeal of chapter 310, F.S., relating to pilots, piloting, and pilotage; providing an effective date.

—a companion measure, was substituted for CS for SB 690 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for HB 556 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	Meek	Thurman
Casas	Gordon	Myers	Walker
Childers, D.	Grizzle	Peterson	Weinstein
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	

Nays—None

SB 936—A bill to be entitled An act relating to life insurance agents; creating s. 626.798, F.S.; providing a prohibition with respect to life agents as beneficiaries; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 936 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dudley	Kiser	Scott
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	Meek	Thurman
Casas	Grizzle	Myers	Walker
Childers, D.	Jennings	Peterson	Weinstein
Childers, W. D.	Johnson	Plummer	Weinstock
Davis	Kirkpatrick	Ros-Lehtinen	Woodson-Howard

Nays—None

Reconsideration

On motion by Senator Johnson, the rules were waived and the Senate reconsidered the vote by which SB 936 passed.

On motion by Senator Johnson, by two-thirds vote CS for HB 330 was withdrawn from the Committee on Insurance.

On motion by Senator Johnson—

CS for HB 330—A bill to be entitled An act relating to life insurance agents; creating s. 626.798, F.S.; providing a prohibition with respect to life agents as beneficiaries; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for SB 936 and read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for HB 330 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Casas	Deratany	Gordon
Bankhead	Childers, D.	Dudley	Grizzle
Beard	Childers, W. D.	Forman	Jennings
Brown	Crenshaw	Gardner	Johnson
Bruner	Davis	Girardeau	Kirkpatrick

Kiser	Meek	Scott	Walker
Langley	Myers	Souto	Weinstein
Malchon	Peterson	Stuart	Weinstock
Margolis	Plummer	Thomas	Woodson-Howard
McPherson	Ros-Lehtinen	Thurman	

Nays—None

CS for SB 458—A bill to be entitled An act relating to public contracting; creating s. 287.132, F.S.; providing legislative intent with respect to the integrity of the public contracting and purchasing process; creating s. 287.133, F.S.; providing definitions; describing public entity crimes; providing for a convicted vendor list; prohibiting public entities from accepting bids from, awarding contracts to, or transacting business with any person or affiliate on the convicted vendor list; providing for sworn statements; providing procedures; providing for removal from the convicted vendor list under certain circumstances; providing for application; providing an effective date.

—was read the second time by title.

Senator Johnson moved the following amendment which was adopted:

Amendment 1—On page 8, line 22, strike “involved in” and insert: convicted of

Senator Johnson moved the following amendment:

Amendment 2—On page 9, line 31, insert: *However, proof of satisfaction of the criteria set forth in Subparagraphs (3)(e) 3.d., e. and f. shall create a rebuttal presumption that it is not in the public interest to place a person or affiliate on the convicted vendor list.*

Senator Johnson moved the following substitute amendment which was adopted:

Amendment 3—On page 9, line 5, insert: *Prompt payment of damages, or posting of a bond, co-operation with investigation, termination of the employment or other relationship with the employee or other natural person responsible for the public entity crime shall create a rebuttal presumption that it is not in the public interest to place a person or affiliate on the convicted vendor list.*

Senator Johnson moved the following amendment which was adopted:

Amendment 4—On page 11, line 13, after “apply” insert: to any activities regulated by the Florida Public Service Commission or

On motion by Senator Johnson, by two-thirds vote CS for SB 458 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Langley	Souto
Bankhead	Dudley	Malchon	Stuart
Beard	Forman	Margolis	Thomas
Brown	Gardner	McPherson	Thurman
Bruner	Girardeau	Meek	Walker
Casas	Gordon	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Johnson	Plummer	Woodson-Howard
Crenshaw	Kirkpatrick	Ros-Lehtinen	
Davis	Kiser	Scott	

Nays—None

SB 922—A bill to be entitled An act relating to nursing home administrators; amending s. 468.1695, F.S.; authorizing the board to establish preceptor and trainee application fees; amending s. 468.1715, F.S.; authorizing the board to establish continuing education provider application and renewal fees; providing an effective date.

—was read the second time by title. On motion by Senator Davis, by two-thirds vote SB 922 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Beard	Bruner	Childers, D.
Bankhead	Brown	Casas	Childers, W. D.

Davis	Grizzle	Meek	Thomas
Deratany	Jennings	Myers	Thurman
Dudley	Johnson	Peterson	Walker
Forman	Kiser	Ros-Lehtinen	Weinstein
Gardner	Langley	Scott	Weinstock
Girardeau	Malchon	Souto	Woodson-Howard
Gordon	McPherson	Stuart	

Nays—None

CS for SB 491—A bill to be entitled An act relating to contracting; amending ss. 489.103, 489.105, 489.127, 489.503, 489.505, 489.511, 489.531, F.S.; providing that the exemptions granted to employees of certain certified or registered construction or electrical contractors do not extend to the employees of uncertified or unregistered contractors; revising the definition of the term "contracting"; providing for certification of electrical contractors as alarm system contractors under certain conditions; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for SB 491 to conform the bill to CS for HB 1495.

Pending further consideration of CS for SB 491 as amended, on motion by Senator Malchon, by two-thirds vote CS for HB 1495 was withdrawn from the Committee on Economic, Professional and Utility Regulation.

On motion by Senator Malchon—

CS for HB 1495—A bill to be entitled An act relating to contracting; amending ss. 489.103, 489.105, 489.127, 489.503, 489.505, and 489.531, F.S.; providing that the exemptions granted to employees of certain certified or registered construction or electrical contractors do not extend to the employees of uncertified or unregistered contractors; revising the definition of the term "contracting"; amending s. 489.511, F.S.; providing for certification of electrical contractors as alarm system contractors under certain circumstances; providing an effective date.

—a companion measure, was substituted for CS for SB 491 and read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for HB 1495 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kiser	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

SB 914—A bill to be entitled An act relating to the Florida Citrus Code; amending s. 601.67, F.S.; imposing penalties against licensed citrus fruit dealers for misrepresenting the origin of certain fruit; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator Gardner and adopted:

Amendment 1—On page 1, line 19, after "\$100,000" insert: *per violation against any licensed citrus fruit dealer*

On motion by Senator Gardner, by two-thirds vote SB 914 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Beard	Bruner	Childers, D.
Bankhead	Brown	Casas	Childers, W. D.

Davis	Jennings	Meek	Thomas
Deratany	Johnson	Myers	Thurman
Dudley	Kirkpatrick	Peterson	Walker
Forman	Kiser	Plummer	Weinstein
Gardner	Langley	Ros-Lehtinen	Weinstock
Girardeau	Malchon	Scott	Woodson-Howard
Gordon	Margolis	Souto	
Grizzle	McPherson	Stuart	

Nays—None

Consideration of **SB 820** was deferred.

CS for SB's 505 and 626—A bill to be entitled An act relating to pharmacy; amending s. 465.003, F.S.; redefining the "practice of the profession of pharmacy"; amending s. 465.016, F.S.; providing disciplinary action for violating any provisions of an in-state or out-of-state practice act under which a practitioner is licensed or for failure to notify the board of the commencement or cessation of practice; providing criteria; amending s. 465.0275, F.S.; providing for emergency prescription refills without an original prescription; providing criteria; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 3, strike line 2 and insert: listed in *any* schedule *II* appearing in chapter 893.

Amendment 2—On page 3, strike all of lines 9-14 and insert:

(4) The dispensing pharmacist *creates a written order containing all of the prescription information required by this chapter and chapters 499 and 893 and signs that order notes on the prescription record the date and the quantity dispensed, along with his initials or name.*

On motion by Senator Davis, by two-thirds vote CS for SB's 505 and 626 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Kiser	Ros-Lehtinen
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

Special Guest

The President introduced Congressman Larry Smith from Hollywood who addressed the Senate briefly.

On motion by Senator Scott, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Plummer, the rules were waived and the Committee on Corrections, Probation and Parole was granted permission to consider SB 1415 this day.

On motions by Senator Scott, by two-thirds vote CS for SB's 566 and 764 was withdrawn from the Committee on Judiciary-Civil; Senate Bills 1146 and 825 were withdrawn from the Committee on Rules and Calendar; SB 1031 was withdrawn from the Committee on Health Care; and SB 1061 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Margolis, by two-thirds vote SB 645 was withdrawn from the Committee on Appropriations.

On motions by Senator Deratany, by two-thirds vote CS for SB 611, CS for SB 851, SB 870, CS for SB 1193, CS for SB 1349, CS for SB 1458 and CS for SB 1225 were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Scott, by two-thirds vote SB 1424 was withdrawn from the Committee on Commerce; SB 1282 was withdrawn from the Committee on Judiciary-Criminal; CS for SB 433 was withdrawn from the Committee on Higher Education; SB 1272 was withdrawn from the Committee on Community Affairs; and CS for SB's 481 and 314 was withdrawn from the Committees on Governmental Operations and Rules and Calendar.

On motion by Senator Scott, the rules were waived and the Committee on Insurance was granted permission to extend time of adjournment of the meeting May 19 until final consideration of SB 896.

On motion by Senator Scott, the rules were waived and the Subcommittee on Reviser's Bills of the Committee on Rules and Calendar was granted permission to meet this day at 2:00 p.m.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 16 was corrected and approved.

CO-INTRODUCERS

Senators Bankhead, Brown, D. Childers, Davis, Grant, Grizzle, Ros-Lehtinen and Stuart—SB 380; Senator Crenshaw—SB 920

Senator Souto withdrew his name as a co-introducer of CS for SB's 1, 9 and 248.

RECESS

Senator Scott moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Wednesday, May 24, at 9:00 a.m. The motion was adopted.

Pursuant to the motion by Senator Scott, the Senate recessed at 12:05 p.m. to reconvene at 9:00 a.m., Wednesday, May 24.